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COLLECTION
OF THE
PUBLIC GENERAL STATUTES
PASSED IN
THE ELEVENTH AND TWELFTH YEAR
OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA,
1847-8.

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THE
PUBLIC GENERAL STATUTES,

11 VICTORIA.

CAP. I.

An Act to facilitate the Completion, in certain Cases,
of Public Works in *Ireland*. [20th December 1847.]

‘ WHEREAS an Act was passed in the Ninth and Tenth
‘ Years of the Reign of Her present Majesty, intituled
‘ *An Act to facilitate the Employment of the Labouring Poor, for* 9 & 10 Vict.
‘ *a limited Period, in the distressed Districts in Ireland: And* c. 107.
‘ whereas Extraordinary Presentment Sessions have been held
‘ for certain Baronies, Half Baronies, Counties of Cities, and
‘ Counties of Towns in *Ireland*, and Presentments have been
‘ made thereat, for the Execution of Public Works in such Dis-
‘ tricts respectively, under the Provisions of the said recited
‘ Act, and the Commissioners of Her Majesty’s Treasury have
‘ in many Cases sanctioned and approved of such Public Works
‘ so presented, or certain Parts thereof, and have authorized
‘ the Execution thereof by the Commissioners of Public Works,
‘ and made large Advances of Monies from Time to Time to the
‘ said Commissioners of Public Works for the Execution of the
‘ same, pursuant to the Provisions of the said recited Act: And
‘ whereas the Period for executing Works under the said recited
‘ Act has expired, and several of the said Works being un-
‘ finished, it is expedient that Provision should be made, in
‘ certain Cases, for the Completion of the same:’ Be it there-
fore enacted by the Queen’s most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled, and
by the Authority of the same, That whenever it may seem
expedient to any Three or more Justices of the Peace, not
being Stipendiary Magistrates, in and for any County in *Ire-*
land, that a Special Presentment Sessions for any Barony or
Half Barony in such County should assemble and make Pre-
sentments for the Completion of Public Works in such Barony
or Half Barony, under the Provisions of this Act, it shall be
lawful for such Justices, by Notice under their Hands, to be
posted on the Places appointed for posting Notices of Appli-
cations to Presentment Sessions in the Barony or Half Barony
in which such Works are proposed to be completed, to convene
a Special Meeting of the Justices and Cess-payers associated
with such Justices at the last Special or Presentment Sessions

Three or more
Justices may, by
Notice, convene
a Special
Meeting of the
Justices and
Cess-payers
associated at the
last Present-
ment Sessions
held under
6 & 7 W. 4.
c. 116.

Justices and
Cess-payers
present at such
Meeting to con-
stitute a Special
Presentment
Sessions for the
Purposes of this
Act.

Provisions of
6 & 7 W. 4.
c. 116. to ex-
tend, so far as
same are appli-
cable, to Special
Presentment
Sessions con-
vened under
this Act.

7 W. 4. &
1 Vict. c. 2.

County Sur-
veyor to report
to Special Pre-

held in such Barony or Half Barony, for the Purposes of an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland*; and such Meeting shall be held at the Place appointed for the holding of such Special Presentment Sessions, at such Time as shall be specified in such Notice, not being sooner than Seven Days from the Time of posting such Notice, and at such Meeting the Secretary of the Grand Jury shall attend; and the said Justices and Cess-payers, or so many of them as shall be present at such Meeting, shall constitute a Special Presentment Sessions for the Purposes of this Act: Provided always, that before such Meeting shall be convened the said Justices authorized to convene the same shall inquire from the County Surveyor and determine the most convenient Time for holding such Meeting, having regard to the Report to be made to such Meeting by such County Surveyor, under the Provisions herein-after contained.

II. And be it enacted, That all and every the Provisions contained in the said recited Act of the Sixth and Seventh Years of the Reign of the said King *William* the Fourth, relative to the Selection of a Chairman, and the Powers, Duties, and Authorities of such Chairman at Presentment Sessions, and relative to the Powers, Duties, and Authorities of Justices and Cess-payers respectively at Presentment Sessions, shall, as far as the same are applicable, extend to all Special Presentment Sessions to be held under this Act, and to the Proceedings to be had thereat; and that all and every the Provisions contained in the said recited Act relating to the Declarations to be made by the Justices and Cess-payers respectively who shall act at any Presentment Sessions, and also relating to the Powers, Duties, and Authorities of the Secretaries of Grand Juries, County Surveyors, Clerks of the Crown, Clerks of the Peace, and all other Officers respectively, shall, as amended by an Act passed in the Seventh Year of the Reign of His said late Majesty, intituled *An Act to amend an Act passed in the Seventh Year of the Reign of His present Majesty, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in Ireland*, as far as the same are applicable or may be necessary for carrying out the Provisions of this Act, and not inconsistent with such Provisions, extend to all Proceedings respectively to be had under the Provisions of this Act, in as full and ample a Manner, to all Intents and Purposes, as if the same were herein repeated and enacted, unless where other Provisions are hereby substituted; provided that in any Declaration to be made by any such Justice or Cess-payer the Title of this Act shall be inserted, together with the Title of the said Act of the Sixth and Seventh Years of King *William* the Fourth.

III. And be it enacted, That the County Surveyor shall report to the Special Presentment Sessions which shall be held for

for any such Barony or Half Barony in *Ireland* under the Provisions of this Act the Nature and Description of any Public Works for which Presentments shall have been made at any Extraordinary Presentment Sessions held for such Barony or Half Barony, and the Expence of which, or any Part thereof, shall be chargeable thereon, and in respect to which Advances shall have been made by the Commissioners of Her Majesty's Treasury under the Provisions of the said recited Act of the Ninth and Tenth Years of the Reign of Her present Majesty, and which Public Works, or any Part thereof, shall still remain unfinished; and such Report shall be prepared by such County Surveyor with all possible Expedition after the passing of this Act, and shall contain a Description of the said Public Works, and the Townland, Barony, or Half Barony wherein the same are situate, and shall specify the Amount which has been authorized by the Commissioners of Her Majesty's Treasury to be applied to the Execution of such Works under the Provisions of the said last-mentioned Act, and the Amount thereof which shall remain unexpended, and the probable Expence of completing such Works, and the Utility thereof, and the Barony or Half Barony by which the Expence of completing the same should be defrayed.

IV. And be it enacted, That at the Special Presentment Sessions held for any Barony or Half Barony under the Provisions of this Act the Justices and Cess-payers associated in the Business of such Sessions shall take such Report into consideration, and decide by a Majority of Votes on the Merits of the Works specified therein, and whether the same ought or ought not to be completed, and whether wholly or in part, or conditionally in the event of the Expence thereof not exceeding a certain specified Sum, and what Modification thereof, if any, may be proper; and if such Justices and Cess-payers approve of the Completion of any such Work, either wholly or in part, or conditionally, or of any Modification thereof, they shall direct the County Surveyor to prepare a proper Form of Tender for the Execution of the same, together with such Specifications, Maps, Plans, Sections, or Elevations as may be necessary, expressing the Nature and Extent of such Work, and in case the same shall be a public Road, the Quantity *per* Perch and the Description of the Material proper to be employed in performing and executing the same, and the Term within which such Work ought to be completed, and such other Particulars as the said Justices and Cess-payers shall think fit; and such Chairman shall endorse on such Report the Decision of the said Justices and Cess-payers in respect of the Works described therein, and shall sign his Name thereto, and deliver such Report, so endorsed, to the Secretary of the Grand Jury, and such County Surveyor shall deliver such Forms of Tender, Specifications, Maps, Plans, Sections, or Elevations in respect of the several Works to which such Report shall relate, as soon thereafter as the same can conveniently be prepared, to the Secretary of the Grand Jury; and

sentment Sessions held for any Barony or Half Barony the Works for which Presentments and Advances have been made under 9 & 10 Vict. c. 107., remaining unfinished in the same.

What such Report shall contain.

Special Presentment Sessions to decide whether any such Works ought or ought not to be completed under the Provisions of this Act.

If Presentment Sessions decide that such Works ought to be completed, County Surveyor to prepare Tenders, &c.

the said Justices and Cess-payers shall appoint the Manner in which Notice for the Receipt of Tenders and Proposals for the Execution of such Works shall be given, and the Period during which they shall be received, and shall adjourn such Special Presentment Sessions until an early Day, to be then holden for the opening of such sealed Tenders and Proposals, such Day not being later than Thirty Days from the Day of such Adjournment.

Special Presentment Sessions may make Presentments for completing Works to be raised by Instalments off Barony, &c. wherein Works are situated. Amount presented not to exceed a certain Amount.

Schedule of Works to be submitted to Lord Lieutenant for his Sanction and Approval, and the same not to be undertaken under this Act without his Consent.

V. And be it enacted, That the Justice or Justices and Cess-payers assembled at any Special Presentment Sessions held under the Provisions of this Act are hereby authorized and empowered to make Presentments for the Completion of such Public Works within the Barony or Half Barony for which such Special Presentment Sessions shall be held, to be raised, if such Justice or Justices and Cess-payers shall so think fit, by Instalments, not exceeding Twenty in Number, as the said Justice or Justices and Cess-payers shall direct, with Interest at the Rate of Five Pounds *per Centum per Annum* to be levied off the respective Baronies or Half Baronies within which such Works shall be respectively situate, and properly chargeable therewith: Provided always, that the Amount to be presented for any such Work shall not in any Case exceed the Residue or Balance remaining unexpended of the Amount authorized to be applied to the Execution of such Work by the Commissioners of Her Majesty's Treasury under the Provisions of the said first-recited Act.

VI. And be it enacted, That the Secretary of the Grand Jury for each County wherein Special Presentment Sessions shall have been held under the Provisions of this Act shall cause to be made out, as soon thereafter as the same can be conveniently prepared, and shall sign with his Name, a Schedule specifying each Work which shall have been duly approved and presented at any such Special Presentment Sessions, and the Sum so presented for the same, and shall transmit the same to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for his Sanction and Approval; and it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors, if he or they shall so think fit, to signify to the Secretary of the Grand Jury, by a Certificate under the Hand of the Chief Secretary or Under Secretary of the Lord Lieutenant, his or their Approval or Disapproval of such Works or any Part thereof; and no Work or Part thereof which shall be so disapproved of by the said Lord Lieutenant or other Chief Governor or Governors shall be undertaken or executed under the Provisions of this Act.

Secretary of Grand Jury to notify, by public Advertisement his Readiness to receive Tenders for the

VII. And be it enacted, That the Secretary of the Grand Jury shall, upon being furnished by the County Surveyor with the Specification or Form of Tender for the Execution of any such Work as aforesaid, and the Maps, Plans, Sections, and Elevations belonging thereto, notify, by public Advertisement or otherwise, in such Manner as the Justices and Cess-payers

at

at such Special Presentment Sessions shall have directed, his Readiness to receive sealed Tenders and Proposals for the Execution of any such Work during such Period as shall have been appointed by the same Authority for the Reception of the same, and the Time to which such Sessions has been adjourned for the opening of such Tenders and Proposals, and that Forms thereof may be obtained at his Office; and such Secretary shall accordingly prepare a sufficient Number of Forms of such Tenders and Proposals, and furnish to any Person who shall demand the same a Copy thereof, receiving therefor the reasonable Cost of preparing the same, not exceeding the Sum of Sixpence; and each of such sealed Tenders and Proposals shall contain a Statement of the lowest Sum for which the Party making such Proposal is willing to contract for the Performance of the Work or Works specified and described in such Notification, and shall be subscribed with the Name, Description, and Residence of the Party so desirous to enter into such Contract, and also the Names, Descriptions, and Residences of not less than Two sufficient Persons willing to be bound jointly and severally with him for the due and faithful Performance of the said Contract within the Time and in the Manner thereby prescribed, in a penal Sum double the Amount of the said Sum specified in such Presentment; and all Maps, Plans, Sections, and Specifications relating to any such Work, prepared by the County Surveyor, shall be open to public Inspection in the Office of such Secretary, without Fee or Reward.

Execution of
Works, and
shall furnish
Forms for the
same.

Contents of
Tenders, &c.

VIII. And be it enacted, That at the Meeting of each such adjourned Special Presentment Sessions as aforesaid the Secretary of the Grand Jury shall in open Court produce, duly numbered and arranged, and with the Seals unbroken, all the Tenders and Proposals which may have been delivered to him, and shall open consecutively all those relating to the same Public Work; and so soon as the lowest Proposal made for the Performance of each such Work shall be ascertained the Party making such Proposal and his Sureties shall be called, and if the said Party and his Sureties shall appear, and shall satisfy the Justices and Cess-payers at such Sessions, upon Oath or otherwise, of the Sufficiency and Ability of each and every of them to answer and make good the Penalty hereinbefore specified for the Nonperformance of such Contract, and that such Proposal has not been made for any unfair or fraudulent Purpose, and shall thereupon enter into Security for the due Performance of such Contract, conditioned in such Penalty as aforesaid, such Proposal shall be accepted, and the Party making the same shall be declared entitled to execute the Work to which such Proposal may refer, unless there shall appear some Reason for rejecting it; but if the Party making such Proposal and his Sureties shall not appear when called, or shall fail to satisfy the Justices and Cess-payers at such Sessions in any of the Particulars aforesaid, or shall decline to enter into such Security as aforesaid, or if the Presentment Sessions shall

At adjourned
Sessions
Tenders to be
opened and
Contract
entered into
with the Party
making the
lowest Pro-
posal.

If no Tender or Proposal be made, or approved of by Special Presentment Sessions, the Work may be given in charge to County Surveyor, who shall cause the same to be executed.

Form of Security.

Secretary of the Grand Jury shall keep a Book with Particulars of Contracts;

and shall prepare Schedules.

see Cause to reject it, then and in such Case the Proposal of the Party making default as aforesaid shall be deemed null and void to all Intents and Purposes whatsoever, and the next lowest Proposal shall be ascertained and dealt with in the same Manner, and so on until the said Security shall be entered into, and the Contract duly completed: Provided always, that if no Proposal shall be made in respect of any Work as so approved by the Lord Lieutenant within the Time limited for receiving such Proposal, or if no Proposal or Tender for such Work shall be approved of by such Special Presentment Sessions, it shall and may be lawful for the said Special Presentment Sessions, if they think proper, to give such Work in charge to the County Surveyor, with Power to expend a Sum not exceeding the Maximum so approved and fixed as aforesaid; and such County Surveyor shall cause such Work to be executed, and shall account for the Execution thereof to the Grand Jury at the following Assizes.

IX. And be it enacted, That such Security so to be entered into by Contractors under this Act and their Sureties shall be a Recognizance to Her Majesty, Her Heirs and Successors, and of like Force, Validity, and Effect as other Recognizances made to the Queen's Majesty; and at such adjourned Special Presentment Sessions any Justices present, or the Chairman, are and is hereby authorized to take such Recognizance, and the Secretary of the Grand Jury shall prepare the same, and come provided therewith, so as to prevent Delay; and the Expence of preparing the same, not exceeding Sixpence, shall be defrayed by the Party or Parties entering thereinto; and such Recognizances shall be preserved in Custody of such Secretary until the Condition of such Recognizance shall have been fulfilled, and shall then be delivered up to the Contractor or Contractors therein named, or to any Person by him or them duly authorized, to be cancelled.

X. And be it enacted, That the Secretary of the Grand Jury shall have charge of all such Contracts as aforesaid, and shall provide and keep a Book in which he shall insert an Abstract of all such Contracts, setting out the Names of the several Contractors, and the Particulars of each Contract, and all Contracts so entered in such Book shall be numbered, and every such Book shall have an alphabetical Index referring to the Number of each Contract; and such Secretary of the Grand Jury shall, as soon as may be afterwards, prepare Schedules of all Reports and Certificates for Works so contracted for, approved of, and presented for as aforesaid, and cause the same to be printed and distributed in the same Manner as he is by the said recited Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth required to do with respect to Applications approved of at Presentment Sessions, and shall immediately thereafter deliver all such Reports of Works so presented for to the Clerk of the Crown for the County to which the same shall relate, who shall preserve the same, and within

Seven

Seven Days after such Delivery deliver to the Treasurer of such County, without Fee or Reward, a Copy thereof, attested upon Oath, and signed by himself; and such Treasurer shall return the same to the Foreman of the Grand Jury, at the Time when they shall be first impannelled at the ensuing Spring Assizes; and all and every the Powers, Authorities, or Provisions given or contained in the said last-mentioned Act in relation to Works, or the Execution of the same, and the raising or levying the Expence of the same, shall, as far as the same are applicable, and not inconsistent with this Act, extend and be applied in relation to the Works to be executed under this Act; and the several Forms in the Schedule to the said last-mentioned Act contained shall be used and applied, or altered and made applicable, as Occasion may require, in or in relation to the several Proceedings under this Act.

XI. And be it enacted, That the Secretary of the Grand Jury for each such County as aforesaid, upon receiving the Certificate of Approval of the Lord Lieutenant or other Chief Governor or Governors of any Public Works for which Presentments shall have been made under the Provisions of this Act, or of any Part thereof, shall lay before the respective Grand Jury, at the next Assizes or Presenting Term, such Certificate of Approval, together with a Schedule under his Hand, attested upon Oath, of the respective Presentments for the Works as so approved, or in part approved, by the Lord Lieutenant, which shall have been contracted for or given in charge to the County Surveyor as aforesaid, and also specifying the respective Sums so under the Provisions of this Act required to be raised for such Works so wholly or in part approved and contracted for or given in charge within any such Barony or Half Barony respectively, and the Number and Amount of Instalments, if any, in which every such Sum respectively is by such Presentment so approved to be raised, with Interest thereon as aforesaid; and it shall be lawful for every such Grand Jury, and they are hereby required, to present the Sum or Instalments, as the Case may be, mentioned in every such Certificate of Approval and Schedule in the Manner therein approved and described, to be raised off the respective Baronies or Half Baronies, as the Case may be, within which such Works shall be respectively situate: Provided always, that if the Grand Jury of any County shall fail to present the Sum, or any Part thereof, or the Instalment, as the Case may be, specified in any such Certificate and Schedule, the Treasurer of such County shall and he is hereby required to insert such Sum, or such omitted Part thereof, or such Instalment, as the Case may be, in his Warrant for raising the Monies presented at the same Assizes, as if such Sum or Instalment had been duly presented by such Grand Jury to be raised off such Barony or Half Barony as aforesaid, and the Sum or Instalment shall be raised and levied off such Barony or Half Barony accordingly, as if the same had been so presented; and in the Case of Sums to be so raised by Instalments such respective Treasurer shall

Money for
Completion of
Works to be
raised by com-
pulsory Pay-
ment.

shall and he is hereby required, in like Manner, and without further Presentment or Authority in that Behalf, to insert a like Instalment or Sum payable for each such Work as so approved and described in such Certificate and Schedule in his Warrant for raising and levying the Sums presented at each succeeding Assizes, until the whole Sum respectively payable for each such Work as so approved shall, with Interest as aforesaid, be so raised and levied off the respective Barony or Half Barony as aforesaid, and the same shall be raised and levied accordingly ; and all the Provisions of the said recited Act of the Sixth and Seventh Years of His late Majesty King *William* the Fourth, with reference to the raising, Applotment, Collection, Levy, or Recovery of Grand Jury Cess, and the Payment of the same by the Treasurer, shall, as far as the same are applicable, apply to all such Sums of Money so inserted in such Warrant.

County Treasurer may borrow Money on Security of Presentment.

XII. And be it enacted, That it shall and may be lawful for the Treasurer of any County in which Presentment shall have been made for the Completion of any Work under the Provisions of this Act, and which or any Part of which shall have been so approved by the said Lord Lieutenant or other Chief Governor or Governors, to borrow, upon the Security of the Presentment herein-before mentioned, any Sum not exceeding the Amount that the said Lord Lieutenant shall have approved for the Purpose of completing any such Work as aforesaid, with such Interest thereon as shall be stated in the Presentment for such Work as is herein-before mentioned ; and if any Person shall agree with the said Treasurer to lend or advance the Amount of such Presentment, or of any Instalment thereof, for the Purposes of this Act, and shall pay the same into the Bank with which the said Treasurer has his public Account, to the Credit of the said Account, it shall be lawful for the said Treasurer to give to him a Draft upon the said Bank for the Amount of such Presentment or Instalment thereof as he shall so advance, and which Draft shall be countersigned by the Clerk of the Crown of the said County, and shall be made payable to the Payee or his Order, with such Interest as aforesaid, at the Assizes at which the said Presentment or Instalment ought to be paid under the Provisions of this Act ; and any Sum or Sums which shall be lent or advanced as aforesaid shall be paid and applied by the said Treasurer in like Manner as the said Presentment or Instalment is directed to be applied under the Provisions of this Act.

Advances may be paid to Contractor in certain Cases not exceeding Three Fourths of the Cost of Work.

XIII. And be it enacted, That in Cases where the Cost of completing and executing any Work as aforesaid shall exceed Twenty Pounds it shall and may be lawful for the Justices or Justice and Cess-payers, at any such Special Presentment Sessions, to authorize the Treasurer of the County, out of any Funds which he may have under his Control, to advance from Time to Time during the Execution of the Work to the Contractor or County Surveyor to whom any such Work shall be given in charge as aforesaid, and presented under this Act, upon

his Application, any Sum or Sums not exceeding in the whole Three Fourths of the Costs of such Work: Provided always, that no such Advances shall be made by such Treasurer unless such Application shall be accompanied by a Certificate attached thereto, and signed by the County Surveyor, that more than the Sum applied for by such Contractor in addition to any previous Advances made to him for such Work has been fairly and honestly expended upon the Work conformably to the Contract.

XIV. And be it enacted, That any Person who may have contracted for the Execution of any Work under this Act may, on the Completion of the Work for which he may have contracted, if completed within the Year One thousand eight hundred and forty-eight, give Notice thereof by Post, addressed to the County Surveyor at his Office, who shall, either by himself or by his Assistants, within Fifteen Days from the Receipt of such Notice, examine the Work so represented to be completed, and in case he shall be fully satisfied of the due Execution of such Work, but not otherwise, shall grant his Certificate of Approval thereof to such Contractor, which Certificate shall set forth the Amount to be paid, and the Description and Number of the Contract on account of which Payment is to be made.

County Surveyor when satisfied of the Completion of the Work may grant his Certificate of Approval to the Contractor.

XV. And be it enacted, That the Treasurer of such County shall thereupon, upon the Production to him of such Certificate, give to the Person entitled to such Payment a Draft for the Amount thereof, which Draft shall contain a Specification of the Purposes for which the same shall have been drawn, and of the Person to whom it is payable, and when so signed it shall be the Authority for the Bankers in whose Bank the County Funds may be deposited to pay the Amount thereof, any thing in an Act of the First and Second Years of Her present Majesty's Reign, intituled *An Act to amend an Act of the last Session of Parliament, for providing more effectual Means to make Treasurers of Counties and Counties of Cities in Ireland account for Public Monies, and to secure the same*, to the contrary in anywise notwithstanding, and such Draft shall be as valid to all Intents and Purposes as any Draft for the Payment of any Money given under the said last-mentioned Act; provided that after the Expiration of the Year One thousand eight hundred and forty-eight the Contractors for any such Works shall make Application for and receive Payment subject to the Provisions and Regulations of the Acts relating to the Presentment of Public Monies by Grand Juries in Ireland.

On Production of such Certificates to the County Treasurer he shall give a Draft for the Amount thereof.

1 & 2 Vict. c. 53.

XVI. 'And whereas it may be expedient to complete Public Works in certain Baronies and Half Baronies in Ireland which have been commenced under the Provisions of the said first-recited Act, and which still remain unfinished, although the Amount authorized to be applied to the Execution of such Works by the Commissioners of Her Majesty's Treasury under the Provisions of the said Act shall have been expended, or shall not be sufficient to complete such Work;' be it therefore enacted, That it shall be lawful for the Secretary of the Grand

Secretary of Grand Jury in any Barony or Half Barony where Special Presentment Sessions have been held to convene a Special Presentment Sessions for the

County for
Purposes of
this Act.

Grand Jury of any County in *Ireland* in any Barony or Half Barony of which a Special Presentment Sessions shall have been held under the Provisions of this Act, and he is hereby required, by Notice under his Hand, to be posted at the usual Places of posting public Notices, to convene a Special Presentment Sessions for the County, to be holden in the County Court House, for the Purposes of this Act, at such Time as shall be specified in such Notice, not being sooner than Seven Days from the Time of posting such Notice nor later than Six Weeks after the first Special Presentment Sessions shall have been held for any Barony or Half Barony within such County under the Provisions of this Act.

How such
Special Pre-
sentment Ses-
sions for the
County shall
be composed.

XVII. And be it enacted, That it shall and may be lawful for every Justice of the Peace in and for such County, not being a Stipendiary Magistrate, to attend, and all such Justices are hereby required to assemble, and with the Cess-payers associated with them respectively, as herein-after appointed, to hold such Special County Presentment Sessions for the Purposes of this Act, at the said County Court House, at such Time as shall be specified in the said Notice; and at such Sessions the Secretary of the Grand Jury shall attend; and the said Justices and Cess-payers, or so many of them as shall be present at such Sessions, shall constitute a Special County Presentment Sessions for the Purposes of this Act; and the several Provisions contained in the said recited Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth relating to the Selection of a Chairman, and the Powers, Duties, and Authorities of such Chairman and of Justices and Cess-payers respectively at County Presentment Sessions, and relating to adjourned Sessions for opening Tenders and the making of Contracts thereat, and relating to the Declarations to be made by the Justices and Cess-payers respectively who shall act at any County Presentment Sessions, and also relating to the Powers, Duties, and Authorities of the Secretaries of Grand Juries, County Surveyors, Clerks of the Crown, Clerks of the Peace, and all other Officers respectively, shall, as amended by an Act passed in the Seventh Year of the Reign of His said late Majesty, intituled *An Act to amend an Act passed in the Seventh Year of the Reign of His present Majesty, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in Ireland*, as far as the same are applicable, or may be necessary for carrying out the Provisions of this Act, and not inconsistent with such Provisions, extend to all Proceedings respectively to be had at the Special County Presentment Sessions to be held under the Provisions of this Act, in as full and ample a Manner as if the same were herein repeated and enacted, unless where other Provisions are hereby substituted; provided that in any Declaration to be made by any such Justice or Cess-payer the Title of this Act shall be inserted together with the Title of the said Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth.

7 W. 4. &
1 Vict. c. 2.

XVIII. And

XVIII. And be it enacted, That the Justices and Cess-payers associated at each Special Presentment Sessions held for any Barony or Half Barony under the Provisions of this Act shall select One of the said Cess-payers for every Barony or Half Barony for which such Sessions are appointed to be associated with the Justices of the County as a Member of the said Special County Presentment Sessions, and the Secretary of the Grand Jury shall make out a List of the Persons so chosen at such Special Presentment Sessions held for such Barony or Half Barony, and shall forthwith notify the same, and the Day appointed for such Special County Presentment Sessions, to them, and shall read out the same List previous to the Appointment of the Chairman for the said Special County Presentment Sessions; and the Secretary of the Grand Jury shall place before such Sessions the Report or Reports made by the County Surveyor to the Special Presentment Sessions held for any Barony or Half Barony, or Baronies or Half Baronies, within the County, as the same shall have been endorsed by the Chairman thereof respectively, under the Provisions of this Act; and the Justices and Cess-payers associated in the Business of the said Special County Presentment Sessions shall take such Reports into consideration as far as the same shall relate to Works in respect of which no Residue or Balance shall remain unexpended of the Amount authorized by the Commissioners of Her Majesty's Treasury to be applied to the Execution of the same, under the Provisions of the said first-recited Act, or in respect of which such Residue or Balance shall not be sufficient to complete such Works, and shall decide, by a Majority of Voices, on the Merits of each of such last-mentioned Works, and whether the same ought or ought not to be completed, and whether wholly or in part, or conditionally in the event of the Expence thereof not exceeding a certain specified Sum, and what Modification thereof, if any, may be proper, and in case of their Approval of the Completion of any of such last-mentioned Works, either wholly or in part, or conditionally, or of any Modification thereof, shall give Directions respecting the Preparations of Forms of Tender for the same; and all and every the Powers, Authorities, or Provisions given or contained in this Act in relation to Works approved of wholly or in part at Special Presentment Sessions held for any Barony or Half Barony, and the Execution of the same and the Approval of the same by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and in relation to presenting Monies or raising or levying Monies presented for the Execution of such Works, and borrowing Money on the Security of such Presentment, and making Advances to Contractors in respect of the same, and otherwise relating to such Monies or such Works, shall extend and be applied, as far as the same are applicable, in relation to all Works approved of wholly or in part at any such Special County Presentment Sessions held under the Provisions of this Act.

One Cess-payer for every Barony or Half Barony to be associated with Justices of the County at Special Presentment County Sessions.

Proceedings at Special County Presentment Sessions.

XIX. ' And whereas under an Act passed in the Session held in the First Year of Her present Majesty, intituled *An Act*

Five per Cent. Interest to be allowed on all

Sums advanced
by Treasurer
or Bank under
the Provisions
of this Act.
7 W. 4. &
1 Vict. c. 54.

Act to provide more effectual Means to make Treasurers of Counties and Counties of Cities in Ireland account for Public Monies, and to secure the same, it was enacted, that every Treasurer then in Office, and no other, shall have and receive the Interest due on Exchequer Bills purchased from any Balance standing to the Credit of such Treasurer's Account, so that such Interest does not exceed One Half of the Salary appertaining to his Office: And whereas it is just that such Treasurer, and that the Bank which the Grand Jury of any County shall have appointed for receiving the Public Monies of such County, should be allowed Interest on Sums paid or advanced by such Treasurer or Bank under this Act;' be it therefore enacted, That the Officer whom the Lord Lieutenant or other Chief Governor or Governors in *Ireland* has or have authorized or may hereafter authorize to audit and declare the Accounts of the Treasurers of Counties in *Ireland* under the last-mentioned Act may and he is hereby required on being applied to by or on behalf of any Treasurer entitled to receive Interest under said Act, or of any Bank having made any Advance above the Balance at the Credit of such County, to ascertain the Amount of Interest at the Rate of Five Pounds *per Centum per Annum* which would be due to such Treasurer or Bank on the Amount so from Time to Time advanced under the Provisions of this Act, and remaining unpaid, from the Time or Times at which such Money shall have been paid by the Treasurer of such County or such Bank until the same shall have been discharged, or until the first Day of the Assizes next succeeding such Application, and to certify the same to the Secretary of the Grand Jury, and it shall be lawful for any Grand Jury and they are hereby required to present to the said Treasurer or Bank such Interest so certified to be due, which Interest shall be paid to such Treasurer or Bank out of any Balance in hand, and shall be raised and levied off the Barony or Half Barony liable to pay such Sums.

Definition of
"County."

XX. And be it enacted, That the Word "County" shall include County of a City or County of a Town; and that all the Provisions of this Act may extend and be applied to any County of a City or County of a Town in *Ireland*.

Definition of
Terms.

XXI. And be it enacted, That the Word "Treasurer" shall, as to the County of *Dublin*, mean and include the "Finance Committee," and the Word "Assizes" shall, as to the said County of *Dublin*, mean and include the "Presenting Term," and the Word "County Surveyor" shall, as to the said County of *Dublin*, mean and include the "District Surveyor;" and that the Provisions of an Act passed in the Seventh and Eighth Years of Her Majesty's Reign, intituled *An Act to consolidate and amend the Laws for the Regulation of Grand Jury Presentments*, in the said County, and any Act for amending the same, shall, with reference to the raising, applotting, levying, or recovering of Grand Jury Cess, and to the Powers for the Execution of Works, so far as the same are applicable, apply, as

7&8 Vict. c. 106.

to

to the said County of *Dublin*, to Sums of Money to be presented and raised and the Works to be executed under this Act.

XXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

CAP. II.

An Act for the better Prevention of Crime and Outrage in certain Parts of *Ireland* until the First Day of *December* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament. [20th *December* 1847.]

‘ **W**HEREAS, in consequence of the Prevalence of Crime and Outrage in certain Parts of *Ireland*, it is necessary to make Provision for the better Prevention thereof:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever, in the Judgment of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council of *Ireland*, it shall be necessary, for the Prevention of Crime and Outrage, that this Act should apply to any County, County of a City, or County of a Town, or any Barony or Baronies, Half Barony or Half Baronies, in any County at large, or any District of less Extent than any Barony or Half Barony, in *Ireland*, it shall be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council of *Ireland*, to declare by Proclamation, to be published in the “*Dublin Gazette*,” that from and after a Day to be named in such Proclamation this Act shall apply to any County, County of a City, or County of a Town, or any Barony or Baronies, Half Barony or Half Baronies, in any County at large, or any District of less Extent than any Barony or Half Barony, in *Ireland*: Provided always, that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by a new Proclamation, to be made by and with the Advice of the Privy Council of *Ireland*, and published in the “*Dublin Gazette*,” to revoke any Proclamation issued under this Act, as to the whole or any Part of the District named in any such first-mentioned Proclamation; and thereupon the original Proclamation mentioned therein shall, from and after a Day to be named in such new Proclamation, stand and be revoked so far as such new Proclamation shall purport to revoke the same.

Provisions of this Act to apply to any Part of Ireland specified in Proclamation issued by Lord Lieutenant, &c. and published in the *Dublin Gazette*.

Power to Lord Lieutenant, &c. to revoke any Proclamation as to the whole or Part of the District named.

II. And be it enacted, That printed Copies of every Proclamation issued under this Act shall be posted on or near to the Doors of all Places of Public Worship and of every Police Station and Barrack within the District named in such Proclamation, and at the Foot of every Copy of any such first-mentioned

Copies of Proclamations and of Abstract of this Act to be posted in proclaimed Districts.

Power to Lord Lieutenant to increase the Constabulary Force in proclaimed Districts ;

and to withdraw them from Time to Time.

Provisions of 6 & 7 W. 4. c. 13., &c. to apply to the Constables appointed under this Act.

Power to Lord Lieutenant, &c. further to increase the Reserve Constabulary Force.

Expences of Constables absent on Duty from their Residences under the Authority of this Act to be advanced out of the Consolidated Fund under Regulations of the Treasury.

mentioned Proclamation so posted as aforesaid an Abstract of the Provisions of this Act shall be printed, for the Information of all Persons affected by the Enactments herein contained.

III. And be it enacted, That from and after the Day named in any such first-mentioned Proclamation it shall be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for and during the Period for which such Proclamation shall be in force, from Time to Time to appoint such and so many additional Sub-Inspectors, Head Constables and other Constables, and Sub-Constables, as he or they shall think proper, for any County, County of a City, County of a Town, Barony, Half Barony, or District of less Extent than any Barony or Half Barony named in any such Proclamation, or any Part thereof, respectively : Provided always, that it shall be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, if he or they shall think proper, at any Time or Times during the Continuance in force of any such Proclamation, to withdraw the said Sub-Inspectors, Head Constables and other Constables, and Sub-Constables, so appointed as aforesaid, or any of them, from the District for which they shall have been so appointed.

IV. And be it enacted, That, save as herein mentioned, all and every the Powers, Provisions, Qualifications, Matters, and Things mentioned and contained in an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate the Laws relating to the Constabulary Force in Ireland*, and any Act or Acts amending the same, shall extend and apply to the Sub-Inspectors, Head Constables and other Constables, and Sub-Constables, appointed under this Act.

V. And be it enacted, That, in addition to the Number of Sub-Inspectors, Head Constables, Constables, and Sub-Constables which by any former Act or Acts the Lord Lieutenant or other Chief Governor or Governors of *Ireland* is or are empowered to appoint as and for a Reserve Force, it shall be lawful to and for the said Lord Lieutenant or other Chief Governor or Governors to appoint Two additional Sub-Inspectors, Four additional Head-Constables, and any Number not exceeding Two hundred additional Constables and Sub-Constables, who shall constitute and be deemed to be a Part of the said Reserve Force, and shall be subject to all and every the Provisions and Regulations applicable to the said Reserve Force under any Act or Acts now in force.

VI. And be it enacted, That it shall and may be lawful to and for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them, for the Time being, to order that any such Sum or Sums as he or they shall think proper shall from Time to Time be advanced and paid out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, for the Payment of the several Salaries and Remunerations and Allowances, and the Purchase of Arms, Accoutrements, Horses, Bridles,

Bridles, Saddles, Appointments, Houses, Outhouses, Furniture, and Accommodations, payable under and proper for the Use of the Constabulary Force to be appointed under this Act, and also for all Rents and Taxes payable for and in respect of such Houses and Outhouses, and for repairing all such Houses and Outhouses from Time to Time, and for the Forage of such Horses, and for the Expences of the Sub-Inspectors, Head or other Constables, or Sub-Constables, when they shall respectively be absent on Duty from their Residences under the Authority of this Act, and for all other necessary and reasonable Costs, Charges, and Expences incurred or to be incurred in the Execution of this Act; and all Money so issued shall be paid to the Receiver for the Constabulary Force of *Ireland*, with such Securities and under such Rules and Regulations as the said Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall from Time to Time appoint and direct.

VII. And be it enacted, That whenever the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall appoint any such additional Sub-Inspectors, Head Constables or other Constables, or Sub-Constables for any County, County of a City, County of a Town, Barony, Half Barony, or other District as aforesaid, or any Part thereof respectively, under the Provisions of this Act, so much of all Monies advanced out of the growing Produce of the Consolidated Fund as shall be declared by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to relate to such County, County of a City, County of a Town, Barony, Half Barony, or other District, or such Part thereof respectively as aforesaid, in respect of such additional Sub-Inspectors, Head Constables or other Constables, or Sub-Constables, shall be repaid by such County, County of a City, County of a Town, Barony or Half Barony, or other District, or Part thereof respectively, in such Proportions as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall direct, and shall be levied and collected in the Manner herein-after mentioned.

Such Advances to be repaid by the District in such Proportions as the Lord Lieutenant shall direct.

VIII. And be it enacted, That whenever the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall appoint any such additional Sub-Inspector, Head Constable or other Constables, or Sub-Constables, for any County, County of a City, County of a Town, Barony, Half Barony, or other District, or Part thereof respectively as aforesaid, under the Provisions of this Act, he or they shall cause an Estimate to be made for the Period of Three Calendar Months next after such Appointment, and so from Time to Time for every successive Period of Three Calendar Months during which such additional Sub-Inspector, Head Constable or other Constables, or Sub-Constables, shall remain and be in such County, County of a City, County of a Town, Barony, Half Barony, or other District, or Part thereof respectively, by virtue of such Appointment, of the probable Charges and Expences of such additional

Lord Lieutenant, &c. to cause Estimates of Expences to be made from Time to Time, and to issue Warrants to Collectors acting under 6 & 7 W. 4. c. 116. requiring them to collect the same.

6 & 7 W. 4.
c. 116.

Sub-Inspector, Head Constable and other Constables, and Sub-Constables, and of the Proportion of such Charges and Expences to be borne and paid by each Barony or Half Barony, or other District less than a Barony or Half Barony, within such County, County of a City, or County of a Town; and that when and so soon as any such Estimate shall have been made as aforesaid the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall, if he or they shall so think fit, issue his or their Warrants, under the Hand of his or their Chief Secretary or Under Secretary, directed to the several Collectors appointed and acting under an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland*, requiring and commanding such Collectors respectively to levy and collect, within the respective Districts for which they shall have been so appointed as aforesaid, the Sums mentioned in such Warrants respectively, together with such Fees for levying and collecting the same as to the said Lord Lieutenant or other Chief Governor or Governors shall seem proper, not exceeding in the whole the Sum of Nine-pence in the Pound upon the Sum so to be levied and collected; and every Collector to whom any such Warrant shall be directed, or who shall be authorized under this Act to execute the same, is hereby required forthwith to levy and collect the Sums therein mentioned in the Manner and subject to the several Provisions and Regulations mentioned and contained in the said last-recited Act, and to pay over the same to the Receiver for the Constabulary Force of *Ireland*, to be by him received and applied with such Securities and under such Rules and Regulations as the said Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three of them, shall from Time to Time appoint and direct; and every such last-mentioned Warrant shall be and remain in full Force and Effect for the Term of Two Years next after the Date thereof, notwithstanding the Death, Resignation, or Removal of the Person to whom it was originally directed, unless the Sums mentioned therein shall have been sooner levied and collected and paid over as aforesaid, and shall from Time to Time during the Continuance thereof in force be put in execution by the Collector for the Time being appointed under the said last-recited Act for the District mentioned in such Warrant; and any Security given by any such Collector or his Sureties for the due Execution of his Duties under the said recited Act shall extend to any Duties imposed on any such Collector under the Provisions of this Act: Provided always, that whenever any such first-mentioned Proclamation shall have ceased to be in force an Account shall be made up by the said Receiver for the Constabulary Force of *Ireland*, in such Manner and under such Regulations as the said Lord Lieutenant or other Chief Governor or Governors shall from Time to Time direct, of the

When Proclamation shall have ceased to be in force, an Account shall be made up by Receiver as the Lord Lieute-

the actual Charges and Expences of such Sub-Inspector, Head Constable and other Constables, and Sub-Constables; and if upon the making up of any such Account such Charges and Expences shall exceed the Amount of the Estimates thereof so made as aforesaid, such Excess shall be raised by a Grand Jury Presentment off the County, County of a City, County of a Town, Barony, Half Barony, or other District for and in respect of which such Estimate shall have been made, the Amount thereof being first ascertained and certified in the Manner directed by the aforesaid Act of the Sixth Year of the Reign of His late Majesty King *William* the Fourth; and if such Charges and Expences shall be less than the Amount of the Estimates thereof so made as aforesaid, all Monies which shall have been so levied and collected, and paid over to the Receiver of the Constabulary Force in *Ireland*, as herein-before directed in respect of the District for which such Estimates shall have been made, beyond the actual Amount of such Charges and Expences, shall be repaid by the said Receiver to the Treasurer of the County within which such District shall be situate, to be by him retained to the Credit of such District, and the Amount thereof shall be deducted from the next Collection which may be required to be made in such District under the Provisions of the said last-recited Act of the Seventh Year of the Reign of His said late Majesty King *William* the Fourth.

nant shall direct.

IX. And be it enacted, That from and after the Day named in any such first-mentioned Proclamation, and thenceforth during all the Time for which any such Proclamation shall be in force, it shall not be lawful for any Person whomsoever (except Justices of the Peace, Persons in Her Majesty's Naval or Military Service, or in the Coast Guard Service, or in the Service of the Revenue, or in the Police or Constabulary Force, or Special Constables, or Persons duly licensed to kill Game, or Persons to whom any Licence shall have been granted under this Act, as herein-after secondly mentioned,) to carry or have, within the District specified in any such Proclamation, elsewhere than in his or her own Dwelling House, any Gun, Pistol, or other Fire-arm, or any Part or Parts of any Gun, Pistol, or other Fire-arm, or any Sword, Cutlass, Pike, or Bayonet, or any Bullets, Gunpowder, or Ammunition; and every Person carrying or having any Gun, Pistol, or other Fire-arm, or any Part or Parts of any Gun, Pistol, or other Fire-arm, or any Sword, Cutlass, Pike, or Bayonet, or any Bullets, Gunpowder, or Ammunition, contrary to the Provisions of this Act, shall be guilty of a Misdemeanor, and shall be liable on Conviction thereof to be imprisoned, with or without hard Labour, for any Term not exceeding Two Years.

Penalty for unlawfully carrying Arms within proclaimed Districts.

X. And be it enacted, That it shall be lawful to and for any Person or Persons whomsoever to seize and apprehend any Person who shall be found carrying any Gun, Pistol, or other Fire-arm, or any Part or Parts of any Gun, Pistol, or

Power to apprehend Persons unlawfully carrying Arms.

Power to Justices, Constables, &c. to search Persons suspected of carrying Arms, and take away the same.

Power to Lord Lieutenant, by Notice published in the Dublin Gazette, to require Persons having Arms in proclaimed Districts to deposit them in a Place named in such Notice.

other Fire-arm, or any Sword, Cutlass, Pike, or Bayonet, or any Bullets, Gunpowder, or Ammunition, contrary to the Provisions of this Act, and to deliver such Person as soon as may be into the Custody of a Constable or Peace Officer, in order to his or her being forthwith conveyed before some Justice of the Peace to be dealt with according to Law; and it shall be lawful to and for any Justice of the Peace, Constable, or Peace Officer to search any Person whom he may suspect to be carrying or having any Gun, Pistol, or other Fire-arm, or any Part or Parts of any Gun, Pistol, or other Fire-arm, or any Sword, Cutlass, Pike, or Bayonet, or any Bullets, Gunpowder, or any Ammunition, contrary to the Provisions of this Act, and to seize and take from such Person any Gun, Pistol, or other Fire-arm, or any Part or Parts of any Gun, Pistol, or other Fire-arm, or any Sword, Cutlass, Pike, or Bayonet, or any Bullets, Gunpowder, or Ammunition, and to keep and detain the same to and for the Use of Her Majesty.

XI. And be it enacted, That from and after the Day named in any such first-mentioned Proclamation it shall be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by Notice to be published in the "*Dublin Gazette*," and posted as herein-before mentioned, from Time to Time to require all Persons (not being Justices of the Peace, or Persons in Her Majesty's Naval or Military Service, or in the Coast Guard Service, or in the Service of the Revenue, or in the Police or Constabulary Force, or Special Constables, or Persons duly licensed to kill Game, or Persons to whom any Licence shall have been granted under this Act, and not revoked, as herein-after mentioned,) residing or being within any County, County of a City, County of a Town, Barony, Half Barony, or other District named in any such first-mentioned Proclamation, or any Part thereof respectively, on or before a Day to be named in such Notice, to deposit and leave, at a Place or Places to be named in such Notice, or at the nearest Police Station or Barrack, any Gun or Guns, Pistol or Pistols, or other Fire-arm or Fire-arms, or any Part or Parts of any Gun, Pistol, or other Fire-arms, or any Sword or Swords, Cutlass or Cutlasses, Pike or Pikes, Bayonet or Bayonets, or any Bullets, Gunpowder, or Ammunition, which he, she, or they may have in his, her, or their Custody, Power, or Possession; and all Guns, Pistols, and other Fire-arms, and all Parts of Guns, Pistols, and other Fire-arms, and all Swords, Cutlasses, Pikes, and Bayonets, and all Bullets, Gunpowder, and Ammunition, so deposited and left as aforesaid, shall be kept and detained in safe Custody at such Places and under such Regulations as the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall from Time to Time direct, until the said Lord Lieutenant or the Chief Governor or Governors of *Ireland* shall otherwise order, or until such first-mentioned Proclamation shall have ceased to be in force, to be then restored to the Owner thereof in such Manner and under such Regulations as the said Lord Lieutenant

or other Chief Governor or Governors of *Ireland* shall direct: Provided always, that no Person carrying any Gun, Pistol, or other Fire-arm, or Part or Parts of any Gun, Pistol, or other Fire-arm, or any Sword, Cutlass, Pike, or Bayonet, or any Bullets, Gunpowder, or Ammunition, for the Purpose only of depositing and leaving the same [as herein-before mentioned, shall by reason thereof be deemed or taken to be a Person carrying or having any Gun, Pistol, or other Fire-arm, or Part or Parts of any Gun, Pistol, or other Fire-arm, or any Sword, Cutlass, Pike, or Bayonet, or any Bullets, Gunpowder, or Ammunition, contrary to the Provisions of this Act.

Persons carrying Arms to deposit them not deemed to be acting contrary to the Provisions of this Act.

XII. And be it enacted, That every Person who, after the Day named in any such last-mentioned Notice, shall knowingly have in his or her Custody, Power, or Possession any Gun, Pistol, or other Fire-arm, or Part or Parts of any Gun, Pistol, or Fire-arm, or any Sword, Cutlass, Pike, or Bayonet, or any Bullets, Gunpowder, or Ammunition, contrary to the Provisions of this Act, shall be guilty of a Misdemeanor, and shall be liable, on Conviction thereof, to be imprisoned, with or without hard Labour, for any Term not exceeding Two Years.

Punishment of Persons knowingly having Arms within proclaimed Districts, after Notice.

XIII. And be it enacted, That from and after the Day named in any such last-mentioned Notice it shall be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, from Time to Time, by Warrant under the Hand of the Chief Secretary or Under Secretary of the said Lord Lieutenant or other Chief Governor or Governors, to direct a Search or Searches to be made in any County, County of a City, County of a Town, Barony, Half Barony, or other District named in any such last-mentioned Notice, or in any Part thereof respectively, or in any House or Houses or other Place or Places within the same respectively, at any Time whilst such first-mentioned Proclamation shall be and remain in force, for any Guns, Pistols, or other Fire-arms, or Parts of any Guns, Pistols, or other Fire-arms, or any Swords, Cutlasses, Pikes, or Bayonets, or any Bullets, Gunpowder, or Ammunition, which any Person or Persons shall or may have in his, her, or their Custody, Power, or Possession, contrary to the Provisions of this Act; and all Guns, Pistols, and other Fire-arms, Parts of Guns, Pistols, and other Fire-arms, Swords, Cutlasses, Pikes, and Bayonets, Bullets, Gunpowder, and Ammunition, found upon any such Search or Searches, shall be forfeited, and the same shall be seized and detained to and for the Use of Her Majesty.

Power to Lord Lieutenant to issue Warrant to search for and seize Arms in proclaimed Districts.

XIV. And be it enacted, That it shall be lawful to and for any County Inspector or Sub-Inspector to whom any such Warrant shall be directed, and to and for all Constables and other Persons acting in their Aid or Assistance, within the Space of Twenty-one Days next after the Date of any such Warrant, including the Day of the Date thereof, to enter into any House or Place at any Time between Sunrise and Sunset, in order to execute such Warrant, and in case Admittance shall be refused to any such County Inspector, Sub-Inspector, Constables, or

Powers of Persons acting under such Warrant.

Peace Officers, or other Persons as aforesaid, or shall not be obtained by them within a reasonable Time after it shall have been first demanded, then to enter by Force into such House or Place in order to execute such Warrant.

Power to Lord Lieutenant to appoint Persons to grant Licences to carry or have Arms within proclaimed Districts.

XV. And be it enacted, That it shall be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by Warrant under the Hand of the Chief Secretary or Under Secretary of the said Lord Lieutenant or other Chief Governor or Governors, to be published in the "*Dublin Gazette*," from Time to Time to appoint One or more fit and proper Persons to grant, at the Discretion of such Person or Persons, at a Place or Places and Time or Times named in a Notice or Notices to be issued by such Person or Persons, and posted as herein-before mentioned, a Licence or Licences, in the Form (A.) in the Schedule to this Act annexed contained, to any Person or Persons, to have, within the District named in any such first-mentioned Proclamation, in his, her, or their own Dwelling House or Dwelling Houses only, or a Licence or Licences, in the Form (B.) in the Schedule to this Act annexed contained, to carry and have, within the District named in any such first-mentioned Proclamation, any Gun or Guns, Pistol or Pistols, or other Fire-arm or Fire-arms, or Part or Parts of any Gun, Pistol, or other Fire-arm, or any Sword or Swords, Cutlass or Cutlasses, Pike or Pikes, Bayonet or Bayonets, or any Bullets, Gunpowder, or Ammunition: Provided always, that it shall be lawful to and for the said Lord Lieutenant or other Chief Governor or Governors, by Order under the Hand of the said Chief Secretary or Under Secretary, to be published in the "*Dublin Gazette*," at any Time or Times to revoke any Licence or Licences so granted as aforesaid, and from and after the Publication of any such Order in the "*Dublin Gazette*" the Licence or Licences therein mentioned shall cease and determine; and a Copy of every such Order shall, within Four Days after the making thereof, be delivered to or left at the last known Place of Abode of every Person whose Licence shall be revoked thereby.

Power to Justices and Constables to call upon Persons within proclaimed District to join in Pursuit after Offenders.

XVI. And be it enacted, That from and after the Day named in any such first-mentioned Proclamation, if any Murder shall have been committed, or there shall have been any Attempt to commit Murder, or if any Justice of the Peace or any Constable or Peace Officer shall have reasonable Ground for believing that any Murder has been committed, or that there has been any Attempt to commit Murder, in any County, County of a City, County of a Town, Barony, Half Barony, or other District named in any such first-mentioned Proclamation, it shall be lawful for any Justice of the Peace, Constable, or Peace Officer to give Notice to any Male Person between the Ages of Sixteen and Sixty, residing or being within such County, County of a City, County of a Town, Barony, Half Barony, or other District, that Search and Pursuit is to be made for the Purpose of apprehending the Offender or Offenders guilty or believed to be guilty

guilty of such Murder or Attempt to murder, and to call upon and require every such Person to join in such Search and Pursuit, and thereupon it shall be the Duty of every such Person to join in such Search and Pursuit, and to do his utmost to assist in discovering and apprehending such Offender or Offenders; and every such Person refusing or neglecting to join in such Search and Pursuit, or to do his utmost to assist in discovering and apprehending such Offender or Offenders, shall be guilty of a Misdemeanor, and shall be liable, on Conviction thereof, to be imprisoned, with or without hard Labour, for any Term not exceeding Two Years.

Punishment of
Persons refus-
ing.

XVII. And be it enacted and declared, That whilst any Proclamation issued under this Act shall remain and be in force all and every the Powers and Provisions now in force of an Act passed in the Parliament of *Ireland* in the Session holden in the Fifteenth and Sixteenth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act to prevent and punish tumultuous Risings of Persons within this Kingdom, and for other Purposes therein mentioned*, and also of another Act amending the same, passed in the Parliament of the United Kingdom in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend an Act passed in the Parliament of Ireland in the Fifteenth and Sixteenth Years of the Reign of His Majesty King George the Third, intituled 'An Act to prevent and punish tumultuous Risings of Persons within this Kingdom, and for other Purposes therein mentioned,'* shall extend and apply to every County, County of a City, County of a Town, Barony, Half Barony, and other District specified in any such Proclamation; and that upon any Trial or Proceeding under the said last-recited Acts or either of them, or under this Act, it shall not be necessary to prove that the District or Place in which any Offence or Offences against the said last-recited Acts, or either of them, or against this Act, was or were committed, was at the Time of the Commission thereof in a State of public or general Disturbance or insurrectionary Movement, or that any such Offence or Offences, or the Circumstances attending the same, was or were of an insurrectionary Nature or Character.

Provisions of
15 & 16 G. 3.
c. 21. (1.) and
1 & 2 W. 4. c. 44.
to apply to
Districts pro-
claimed under
this Act.

Not necessary
to prove the
District to be
in an insurrec-
tionary State.

XVIII. And for the more effectual Prosecution of Accessories after the Fact to the Offences of Murder and Attempt to murder, be it enacted, That from and after the Day named in any such first-mentioned Proclamation every Person who shall become an Accessary after the Fact to any Murder or Attempt to murder committed in any County, County of a City, County of a Town, Barony, Half Barony, or other District named in such first-mentioned Proclamation, may be indicted and convicted either together with the principal Offender or after the Conviction of the principal Offender, or may be indicted and convicted of a substantive Felony, whether the principal Offender shall or shall not have been previously convicted, or shall or shall not be amenable to Justice, and may,

Accessaries
after the Fact
to any Murder
committed may
be tried and
punished,
although the
Principals may
not have been
convicted or
taken.

No Person to be tried twice for the same Offence.

howsoever indicted, be punished in the same Manner as any Accessary after the Fact to the same Offence may be punished : Provided always, that no such Person who shall be once duly tried, whether as an Accessary after the Fact or as for a substantive Felony, shall be liable to be again indicted or tried for the same Offence.

Prisoners under Sentence may be removed from one Prison to another by Order of the Lord Lieutenant.

XIX. And be it enacted, That from and after the Day named in any such first-mentioned Proclamation, and thenceforth during all the Time for which any such Proclamation shall be in force, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by his or their Order, to be signified by his or their Chief or Under Secretary, to direct that any Person or Persons, being imprisoned in any Gaol, Prison, Bridewell, or other Place of Confinement in any District specified in such Proclamation, or in the County, County of a City, or County of a Town within which such District may be situate, under any Sentence of Transportation or Imprisonment, shall and may be removed from such Gaol, Prison, Bridewell, or other Place of Confinement to such other Gaol, Prison, Bridewell, or Place of Confinement in *Ireland* as to the said Lord Lieutenant or other Chief Governor or Governors shall seem fit, there to remain till he or she shall be transported, or till he or she shall have therein served the Term of his or her Imprisonment, or till he or she shall be otherwise discharged by due Course of Law ; and every such Person, when so removed, shall be to all Intents and Purposes deemed and considered to be in the proper legal Custody for and during the Time of such Removal, and for and during such Time as he or she shall be in the Place to which he or she shall be so removed, in like Manner to all Intents and Purposes as if such Person had continued in his or her original Place of Confinement: Provided always, that the Expences of the Support and Maintenance of such Prisoners in the Place to which they shall be so removed shall be paid and provided for by the County, County of a City, or County of a Town from which respectively they shall be so removed, as the same were or ought to be paid or provided for before such Removal ; and the Expences of any such Removal under this Act shall be charged and chargeable on the County, County of a City, or County of a Town from which such Persons shall have been respectively so removed, and shall be paid and provided for in like Manner and subject to like Provisions as are contained in an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to regulate the Expences of conveying Prisoners in Ireland*.

1 & 2 Vict. c. 6.

No Traverse of Indictment allowed.

XX. And be it enacted, That when any Person shall be prosecuted by Indictment for any Offence against this Act committed within such proclaimed County, County of a City, County of a Town, Barony or Half Barony, or other District as aforesaid, such Person shall plead to such Indictment, and the Trial thereof shall proceed, at any Special Commission, Assizes, or

or Court of Oyer and Terminer and General Gaol Delivery, or Sessions of the Peace to be holden in and for the County wherein such Offence shall have been committed next after such Person shall have been committed for Trial or held to Bail, or if such Offence be committed after the Commencement of such Special Commission, Assizes, Court of Oyer and Terminer and General Gaol Delivery, or Sessions of the Peace, then at the same Special Commission, Assizes, Court of Oyer and Terminer and General Gaol Delivery, or Sessions of the Peace, unless the Court shall otherwise direct.

XXI. And be it enacted, That the Production of the "*Dublin Gazette*," purporting to be printed by the Queen's Printers, containing the Publication of any Proclamation, Warrant, or Notice under this Act, shall be deemed and taken to be conclusive Evidence, in all Courts of Justice in *Ireland*, of all such Facts and Circumstances as were or shall be necessary to authorize the issuing of any such Proclamation, Warrant, Order, or Notice; and every such Proclamation, Warrant, Order, and Notice shall be deemed and taken, in all such Courts respectively, to all Intents and Purposes whatsoever, to have been issued in conformity with this Act.

Production of
Dublin Gazette
to be Evidence.

XXII. And be it enacted, That this Act shall be in force until the Thirty-first Day of *December* One thousand eight hundred and forty-nine, and from thence until the End of the then next Session of Parliament.

Duration of
Act.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be
amended, &c.

SCHEDULE to which the foregoing Act refers.

(A.)

Form of Licence to have Arms, &c. in a Dwelling House only.

I *A B.*, having been duly appointed in that Behalf under an Act passed in the Eleventh Year of the Reign of Her Majesty Queen Victoria, intituled "*An Act for the better Prevention of Crime and Outrage in certain Parts of Ireland until the First Day of December One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament,*" do hereby grant to *C. D.* of [here insert the Name, Description, and Place of Residence,] a Licence to have in his [or her] Dwelling House, situate at . and not elsewhere, One Gun [or other Arm or Arms or Ammunition, as the Case may be]. Dated this Day of 184 .

(Signed) *A. B.*

(B.)

(B.)

Form of Licence to carry and have Arms, &c. in proclaimed District.

I *A.B.*, having been duly appointed in that Behalf under an Act passed in the Eleventh Year of the Reign of Her Majesty Queen Victoria, intituled “An Act for the better Prevention of Crime and Outrage in certain Parts of Ireland until the First Day of December One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament,” do hereby grant to *C.D.* of [*here insert the Name, Description, and Place of Residence,*] a Licence to carry and have One Gun [*or other Arm or Arms or Ammunition, as the Case may be,*] within the County [County of the City, County of the Town, Barony, Half Barony, or other District, as the Case may be,] of . Dated
 this Day of 184 .

(Signed) *A. B.*

CAP. III.

An Act to give further Time for making certain Railways. [20th December 1847.]

‘ WHEREAS divers Acts of Parliament have been passed
 ‘ for making Railways, and in such Acts respectively
 ‘ certain Periods of Time are limited within which only the
 ‘ Powers thereby granted, whether for making the Railways or
 ‘ for the compulsory Purchase of the Lands therein referred to,
 ‘ can be lawfully exercised: And whereas it is expedient that
 ‘ in certain Cases further Time be granted for the Purposes
 ‘ aforesaid;’ be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Railway Company, or Person authorized by any Act or Acts of Parliament to construct a Railway or any Works connected with a Railway, or to purchase Lands for any such Purpose, desire that the Period limited by such Act or Acts for the Completion of such Railway or Works, or for the Purchase of such Lands, be extended, such Company or Person may, at any Time within Two Calendar Months after the passing of this Act, make Application, in Writing, to the Commissioners of Railways, setting forth what Extension of Time is desired by them or him, and to what Part of the Railway, or the Works or Lands connected therewith, the same is intended to apply, and the Grounds on which such Application is made.

Railway Companies may apply to Commissioners of Railways for Extension of Time for Purchase of Lands, &c.

Commissioners may require Company to give Notice of Application by

II. And be it enacted, That if it appear to the said Commissioners that there are sufficient Grounds for entertaining such Application, they shall require the Company, or Person making the same, to give Notice of such Application having been made, by

by Advertisement, inserted in such Form as shall be approved of by the said Commissioners, once in the *London, Edinburgh, or Dublin Gazette*, accordingly as such Railway or Works or Lands are in *England, Scotland, or Ireland*, and once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part of such Railway or Works or Lands to which the Extension of Time is intended to apply is situated, and affixed for Three successive *Sundays* on the principal outer Door of the Church or Churches of every Parish in which any such Part of such Railway or Works or Lands is situated; and every such Notice shall set forth within what Time and in what Manner any Person who thinks himself aggrieved by any such proposed Extension of Time, and who desires to object thereto, may bring such Objections before the said Commissioners.

Advertisement
in the Gazette.

III. And be it enacted, That upon Proof to the Satisfaction of the said Commissioners that such Notice has been duly given, and after the Expiration of the Time therein appointed for bringing Objections before the said Commissioners, and after considering all such Objections, if any, which have been brought before them, the said Commissioners may, if they think fit, and upon such Terms and Conditions as they think fit, by Warrant under their Seal, and signed by Two or more of the said Commissioners, extend the Period allowed by any such Act or Acts as aforesaid, whether for the Completion of such Railway or Works or for the compulsory Purchase of Lands for that Purpose, for such further Time as the said Commissioners think fit, not exceeding Two Years from the Expiration of the Periods so allowed by such Act or Acts respectively; and they may so extend such Periods respectively, either as to the whole of such Railway or Works, and the whole of the Lands required for the same, or as to so much of such Railway or the Works, or the Lands connected therewith, as shall be specified for that Purpose in such Warrant.

Commissioners
of Railways,
by Warrant
under their
Seal, may, upon
Proof that
Notice has been
given, enlarge
the Time for
the Completion
of Purchases
and Works.

IV. And be it enacted, That when any such Warrant as aforesaid is granted by the said Commissioners, the Act or Acts of Parliament authorizing the Construction of the Railway or Works mentioned or referred to in such Warrant shall, as to the Portion of Railway or the Works or Lands described thereby or comprised in such Warrant, be construed as if the extended Period or Periods of Time mentioned in such Warrant had been by such Act or Acts limited as the Period or Periods respectively within which the Powers of such Act or Acts might lawfully be exercised, whether for the Construction of such Railway or Works or for the compulsory Purchase of the Lands required for the same, instead of the Periods mentioned in such Act or Acts respectively.

Acts mentioned
or referred to
in such War-
rants to be
construed with
reference to
the same.

V. Provided always, and be it enacted, That this Act shall not have the Effect of reviving any Powers which had expired before the making of such Application, and that it shall not prejudice or affect any Contract or Agreement entered into before

Not to revive
expired Powers.

Existing Contracts and Notices to take Lands to be construed as if this Act had not passed.

Notices of Warrants being granted to be published in the Gazette.

Parties aggrieved by Extension of Time being granted may have Compensation for additional Damage.

Contracts for new Works not to be entered into for a limited Period, except in certain Cases.

before the passing of this Act; and where before the passing of this Act any Contract hath been entered into or Notice given by any such Railway Company or Person, for purchasing, taking, or using any Lands which, under any such Act or Acts as aforesaid, such Company or Person is entitled to purchase, take, or use, this Act, or any Warrant thereunder, shall not authorize any Extension of the Time allowed for the Purchase of the Lands comprised or mentioned in such Contract or Notice; and every such Contract and Notice respectively shall be construed and shall take effect, and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if this Act had not been passed.

VI. And be it enacted, That within One Calendar Month after the Day on which any such Warrant as aforesaid is granted by the said Commissioners they shall cause Notice thereof to be inserted in the *London, Edinburgh, or Dublin Gazette*, accordingly as the Railway, Works, or Lands mentioned therein is or are in *England, Scotland, or Ireland*.

VII. Provided always, and be it enacted, That whenever any such Warrant as aforesaid shall have been granted by the said Commissioners for extending the Time within which any of the Powers given by any such Act or Acts may lawfully be exercised, the Justices, Arbitrators, Umpires, or Juries respectively, as the Case may be, who under the Provisions of such Act or Acts shall award or assess the Compensation to be made by any such Company or Person as aforesaid to the Owners or Occupiers of or other Persons interested in any Lands taken or used for the Purposes of any such Railway or Works, or injuriously affected by the Construction thereof, shall, in estimating the Amount of such Compensation, have regard to and make Compensation for the additional Damage (if any) sustained by such Owners, Occupiers, or other Persons, by reason of any such Extension of Time having been granted as aforesaid.

VIII. And be it enacted, That no Railway Company authorized by Act of Parliament to construct a Railway, or any Works connected with a Railway, who had not before the Twenty-seventh Day of *November* in the Year One thousand eight hundred and forty-seven executed any Part of the Works, or entered into any Contract or Agreement for the Execution of any Part of the Works which they were for the first Time authorized by such Act to construct, shall within Twelve Calendar Months after the passing of this Act enter into any Contract or Agreement for the Execution of any Works so for the first Time authorized by such Act, excepting always from this Enactment Contracts and Agreements for the Construction of Part of any Railway or Works which by any Act shall have been substituted by way of Deviation from any Part of the Line of such Railway as authorized by some previous Act, or in lieu of some other Works authorized by some previous Act,

Act, and also Contracts and Agreements for the Construction of such other Works as the Company shall be authorized to proceed in constructing by the Consent of the Holders of Three Fifths of the Shares or Stock held by such of the Shareholders of such Company as shall signify their Assent thereto or Dissent therefrom within the Time and in the Manner hereinafter mentioned, or as they shall be authorized to proceed in constructing by an Order of the said Commissioners of Railways published in the *London, Edinburgh, or Dublin Gazette*, according as the Works are situated in *England, Scotland, or Ireland*; and all Contracts and Agreements entered into in contravention of this Enactment shall be utterly void and of no effect.

IX. And be it enacted, That for the Purpose of ascertaining such Consent of the Shareholders as aforesaid a General Meeting of the Shareholders of such Company shall be held within Six Weeks after the passing of this Act, of which public Notice shall be given by public Advertisement in the Manner required or usually adopted for advertising the Extraordinary General Meetings of such Company; and a Circular Letter shall be sent by the Post, addressed to each of the Shareholders of such Company, according to his registered Address or other known Address, describing the Portion of Line or Works proposed to be executed, and stating that a General Meeting of the Shareholders of such Company will be held, at a Time and Place mentioned in such Circular, for the Purpose of determining whether a Contract for executing such Works shall be entered into or not within the Twelve Months next after the passing of this Act, and requesting such Shareholder to signify his Assent to or Dissent from the making of such Contract, according to a Form to be contained in such Circular Letter, which Form shall be to the Effect set forth in the Schedule hereto; and such Circular Letter shall request such Shareholder either to return such Form, signed by him, in a Letter addressed to the Secretary of such Company, or to attend such General Meeting as aforesaid, and deliver the same, so signed by him, to the Chairman thereof; and at the Meeting so to be held the Chairman thereof shall cast up the Number or Amount of Shares or Stock held by Shareholders assenting to the making of such Contract, and the Number or Amount of Shares or Stock held by Shareholders dissenting therefrom, whether such Assent have been signified by the Shareholder sending to the Secretary of the Company such Form as aforesaid, signed by him, or by such Shareholder attending such Meeting, and delivering in the same to the Chairman thereof; and such Chairman shall thereupon publicly announce the Number or Amount of Shares or Stock of the Shareholders assenting to the making of such Contract, and the Number or Amount of the Shares or Stock of those dissenting therefrom, and shall state whether or not the Holders of Three Fifths of the whole of such Shares or Stock consent to the making of such Contract: Provided always, that

Mode of ascertaining Consent of Shareholders to the making of Contracts for new Works.

in

Certificate of the Chairman of Company, countersigned by the Secretary, to be Evidence of Consent.

Act may be amended, &c.

in computing the Number or Amount of the Shares of Shareholders assenting or dissenting as aforesaid no Share shall be taken into account the Holder whereof shall not have paid all the Calls then due by him upon the Shares held by him.

X. And be it enacted, That a Certificate under the Hand of the Chairman of the Company, and countersigned in each Case by the Secretary of the Company, stating that such Meeting as aforesaid has been duly held, and such Circular Letter sent, and such Consent given as aforesaid, in Cases where the same is given, shall, within One Week after the Day of holding such Meeting, be deposited in the Office of the said Commissioners of Railways; and such Certificate, or a Copy thereof, certified under the Seal of the said Commissioners to be a true Copy, shall be received as Evidence in all Courts, and before all Justices and others, that such Consent was duly given within the Time aforesaid.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULE referred to by the foregoing Act.

(1) Name of Railway.	(1) Name of Shareholder.	(1) No. of Shares or Amount of Stock held by him.	(1) Works proposed to be contracted for.	(2) Whether assenting or dissenting.

(1) The Secretary will insert these Particulars.

(2) In this Column the Shareholder will write the Word "assenting" or "dissenting," as the Case may be, and sign his Name thereunder.

CAP. IV.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-eight.

[7th March 1848.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and forty-eight, the Sum of Eight Millions out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

There shall be applied, for the Service of the Year 1848, the Sum of 8,000,000*l.* out of the Consolidated Fund.

II. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Eight Millions, and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at Westminster*, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills*.

The Treasury may cause 8,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1. 4 & 5 W. 4. c. 15. and 5 & 6 Vict. c. 66.

III. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall

The Clauses, &c. in recited Acts extended to this Act.

be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

Interest on
Exchequer
Bills.

IV. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem*, upon or in respect of the whole of the Monies respectively contained therein.

Bank of Eng-
land may
advance
8,000,000*l.* on
the Credit of
this Act, not-
withstanding
5 & 6 W. & M.
c. 20.

V. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer, at *Westminster*, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Eight Millions, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon the Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France, or in any other Act or Acts, to the contrary notwithstanding.*

Bills prepared
by virtue of this
Act to be
delivered to the
Bank, as Secu-
rity for such
Advances.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Monies raised
by Bills to be
applied to the
Services voted
by the Com-
mons.

VII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain and Ireland* in this present Session of Parliament.

Exchequer
Bills made
chargeable upon
the growing
Produce of the
Consolidated
Fund.

VIII. And be it enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*

Ireland in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

CAP. V.

An Act to suspend for Five Years the Operation of certain Parts of an Act of the Tenth Year of Her present Majesty, for making further Provision for the Government of the *New Zealand* Islands; and to make other Provision in lieu thereof.

[7th March 1848.]

‘ WHEREAS by an Act passed in the Tenth Year of the
 ‘ Reign of Her Majesty, intituled *An Act to make further* 9 & 10 Vict.
 ‘ *Provision for the Government of the New Zealand Islands,* c. 103.
 ‘ certain Powers were vested in Her Majesty, to be executed
 ‘ by Letters Patent to be from Time to Time issued under
 ‘ the Great Seal of the United Kingdom, or by Instructions
 ‘ under Her Majesty's Signet and Sign Manual, approved in
 ‘ Her Privy Council, and accompanying or referred to in such
 ‘ Letters Patent: And whereas in pursuance of the said Act
 ‘ Her Majesty did, by Letters Patent bearing Date at *West-*
 ‘ *minster* the Twenty-third Day of *December* in the Year
 ‘ aforesaid, and by certain Instructions made and approved
 ‘ as required by the said Act, and bearing even Date with and
 ‘ accompanying the said Letters Patent, execute certain of
 ‘ the Powers by the said Act vested in Her Majesty for the
 ‘ better Government of the said Islands, reserving by the said
 ‘ Letters Patent full Power and Authority to Herself, Her
 ‘ Heirs and Successors, from Time to Time to amend, and for
 ‘ that Purpose to add to or if necessary to repeal, the said
 ‘ Letters Patent and Instructions: And whereas it is expe-
 ‘ dient that certain of the Provisions of the said Act, Letters
 ‘ Patent, and Instructions should not for the present be carried
 ‘ into effect, but Doubts have been entertained whether the
 ‘ said Act is sufficient to enable Her Majesty to suspend the
 ‘ Operation

So much of
recited Act, &c.
as relates to the
Constitution
and Establish-
ment of Assem-
blies, &c. in
New Zealand
suspended.

So much of
3 & 4 Vict. c. 62.,
of Letters
Patent dated
16th Nov. 1841,
and of Instruc-
tions dated 5th
Dec. 1841, as
relates to the
Legislative
Council, &c.
revived during
the said
Suspension.

‘ Operation of the same, and of the said Letters Patent and In-
‘ structions, or any of them:’ Be it therefore enacted by the
Queen’s most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons,
in this present Parliament assembled, and by the Authority of
the same, That so much of the said Act, Letters Patent, and
Instructions as relates to the Constitution and Establishment of
Two or more separate Assemblies within the said Islands, and to
the Constitution and Establishment of a General Assembly in
and for the said Islands, and to the Powers, Rights, and Pri-
vileges of such Assemblies respectively, and to the Qualifica-
tions of the Members of such Assemblies, and to the Manner
of their Election and Appointment, and to the Forms, the
Transmission, and the Disallowance of Laws and Ordinances
to be enacted by the said Assemblies respectively, and to the
Appropriation of the Revenues arising from Laws of the
General Assembly, shall be suspended for the Period of Five
Years from the Day of the passing of this Act, unless Her
Majesty, by and with the Advice of Her Privy Council, shall
direct that the said Act, Letters Patent, or Instructions shall
before the Expiration of that Period be carried into effect.

II. ‘ And whereas by the said first-mentioned Act another
‘ Act passed in the Fourth Year of Her Majesty’s Reign, and
‘ certain Letters Patent bearing Date the Sixteenth Day of
‘ *November* in the same Year, and all Charters, Letters Patent,
‘ Instructions, and Orders in Council made and issued in pur-
‘ suance of the last-mentioned Act, were repealed, abrogated,
‘ and annulled as therein mentioned: And whereas by the said
‘ Letters Patent bearing Date the Sixteenth Day of *November*
‘ in the Fourth Year of Her Majesty’s Reign, and by certain
‘ Instructions bearing Date the Fifth Day of *December* in the
‘ same Year, Her Majesty did amongst other things authorize
‘ the Governor for the Time being of the said Islands, and
‘ certain other Persons, to be a Legislative Council for the
‘ said Islands, and did require and enjoin that the said Legis-
‘ lative Council should, in pursuance of the last-mentioned Act,
‘ make and ordain all such Laws and Ordinances as might be
‘ required for the Peace, Order, and good Government of the
‘ said Islands: And whereas it is expedient to revive the
‘ Operation of the last-mentioned Act, Letters Patent, and
‘ Instructions, in so far as the same relate to the Legislative
‘ Council established or to be established under and by virtue
‘ of the last-mentioned Act, Letters Patent, and Instructions
‘ for the Time during which the said first-mentioned Act, Letters
‘ Patent, and Instructions continue to be suspended as afore-
‘ said by virtue of this Act:’ Be it therefore enacted, That the
said Act, Letters Patent, and Instructions of the Fourth Year
of Her Majesty’s Reign, in so far as the same relate to the
Legislative Council last aforesaid, and to the Constitution,
Rights, Powers, Jurisdiction, and Authority of the same, shall
be revived and be in full Force and Operation for the Time
during which the first-mentioned Act, Letters Patent, and In-
structions

structions continue to be suspended as aforesaid by virtue of this Act; and that during such Time the said Legislative Council shall have and exercise all the Rights, Powers, Jurisdiction, and Authority which it had or was invested with, or was to have or be invested with, under and by virtue of the last-mentioned Act, Letters Patent, and Instructions, or any of them, or any other Letters Patent or Instructions granted or issued, or to be granted or issued, under the last-mentioned Act; and that all Laws, Ordinances, Acts, and Things lawfully done by the said Legislative Council during such Suspension as aforesaid shall be and remain in full Force and Effect after and notwithstanding the Termination of such Suspension, until and unless they be hereafter repealed by competent Authority in that Behalf.

III. And be it enacted, That for the Time during which the said first-mentioned Act, Letters Patent, and Instructions continue to be suspended as aforesaid by virtue of this Act it shall be lawful for the Governor-in-Chief of the said Islands, from Time to Time as he may think proper, but subject to the Disallowance of Her Majesty as herein-after mentioned, to add to the Members of the said Legislative Council, and for that Purpose from Time to Time to summon and appoint such Person or Persons as he may think proper to be personally or by virtue of his or their Office Member or Members of such Legislative Council; and the said Legislative Council, with such additional Member or Members, and every Member thereof, shall have and exercise the same Rights, Powers, Jurisdiction, and Authority as the said Legislative Council or any Member thereof had or exercised before any Addition to the same was made.

Power to Governor-in-Chief to increase the Number of Legislative Council.

IV. And be it enacted, That for the Time during which the first-mentioned Act, Letters Patent, and Instructions continue to be suspended as aforesaid by virtue of this Act it shall be lawful for the said Governor-in-Chief, by and with the Advice and Consent of the said Legislative Council, by Ordinance, if he shall think proper, to constitute within and for any of the Provinces into which the Islands of *New Zealand* are now or may be hereafter divided a Provincial Legislative Council, to be appointed or elected or appointed and elected in such Manner and by such Person or Persons as by such Ordinance shall be provided in that Behalf; and the Provincial Legislative Council or Councils so constituted shall have all such Rights, Powers, Jurisdiction, and Authority as shall be granted in that Behalf to the said Provincial Legislative Council or Councils, or either of them, by such Ordinance and none other.

Power to Governor-in-Chief to constitute Provincial Legislative Councils.

V. ' And whereas by the said first-mentioned Instructions the said Governor-in-Chief was directed to divide certain Parts of the said Islands into Municipal Districts, and to constitute within such Districts Municipal Corporations, consisting of a Mayor, Court of Aldermen, and Common Council, and of Burgesses possessing the Qualification prescribed by the said first-mentioned Instructions in that Behalf: And whereas it is expedient that the said Qualification should be subject to

Power to Governor-in-Chief to regulate Qualification for Burgesses in Corporate Districts.

‘ Regulation as herein-after mentioned :’ Be it therefore enacted, That it shall and may be lawful for the said Governor-in-Chief, from Time to Time, by and with the Advice and Consent of the said Legislative Council, by Ordinance, to depart from the said first-mentioned Instructions in so far as the same relate to the Nature and Extent of the said Qualification, and to make and ordain such other or further Rules and Regulations with respect to the Nature and Extent of the Qualification for Burgesses in the said Municipal Districts or any of them, or in any particular Case, as the said Governor-in-Chief, by and with the like Advice and Consent, may think proper, any thing in the said first-mentioned Act, Letters Patent, or Instructions to the contrary notwithstanding.

Power to
Her Majesty to
disallow any
Orders, &c. of
the Governor-
in-Chief.

VI. Provided always, and be it enacted, That it shall be lawful for Her Majesty, if She shall think proper, from Time to Time to disallow any Order for Addition to the Number of the said Legislative Council, or any Ordinance for the Constitution of or relating to any Provincial Legislative Council, or with respect to the Qualification of Burgesses in any Municipal District; and in case of such Disallowance, upon the same being signified to the said Governor-in-Chief within the said Islands, the Order or Ordinance so disallowed shall be annulled to all Intents and Purposes whatsoever, except in so far as relates to any Law, Ordinance, Act, Matter, or Thing lawfully done under or by reason of the Order or Ordinance disallowed between the Date of such Order or Ordinance and the Signification of Disallowance as aforesaid.

Act to be construed with
9 & 10 Vict.
c. 103.

Commence-
ment of Act.

VII. And be it enacted, That this Act, and the first-mentioned Act as altered by this Act, shall be read and construed together as One Act.

VIII. And be it enacted, That this Act shall take effect within the said Islands at the Expiration of Ten Days from the Day of the Proclamation thereof within the same.

Act may be
amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. VI.

An Act to make further Provision for One Year, and to the End of the then next Session of Parliament, for the Carriage of Passengers by Sea to *North America*. [28th March 1848.]

5&6 Vict. c. 107.

‘ WHEREAS it is expedient to make further Provision
‘ respecting the Carriage of Passengers by Sea to
‘ certain Parts of *North America* and the Islands adjacent
‘ thereto, and for that Purpose to alter certain Provisions of an
‘ Act passed in the Session of Parliament held in the Fifth and
‘ Sixth Years of the Reign of Her present Majesty, intituled *An*
‘ *Act for regulating the Carriage of Passengers in Merchant*
‘ *Vessels*, and of an Act passed in the Session of Parliament
‘ held

' held in the Tenth and Eleventh Years of the Reign of Her
 ' present Majesty, intituled *An Act to amend the Passengers Act,* 10 & 11 Vict.
 ' and to make further Provision for the Carriage of Passengers by c. 103.
 ' Sea : ' Be it therefore enacted by the Queen's most Excellent
 Majesty, by and with the Advice and Consent of the Lords
 Spiritual and Temporal, and Commons, in this present Parlia-
 ment assembled, and by the Authority of the same, That no Ship
 carrying Passengers on any Voyage from any Port or Place in
 the United Kingdom, or in the Islands of *Guernsey, Jersey,*
Alderney, Sark, or Man, to any Port or Place on the Eastern
 Coast of *North America,* or in the Islands adjacent thereto, or
 in the *Gulf of Mexico,* shall proceed on such Voyage with or shall
 carry more Passengers on board than in the Proportion of One
 Passenger to every Two Tons of the registered Tonnage of such
 Ship; and that no such Ship shall, whatever be the Tonnage
 thereof, proceed on such Voyage with or carry more Passengers
 on board than in the following Proportion to the Space occupied
 by them and appropriated to their Use, and unoccupied by Stores
 not being the personal Luggage of the Passengers; (that is to
 say,) on the Deck upon which the Passengers live, One Passenger
 for every Twelve clear Superficial Feet, or on the Orlop Deck,
 if any, One Passenger for every Thirty such Superficial Feet;
 and that if any Ship carrying Passengers upon any such Voyage
 as aforesaid shall carry any Person or Passenger beyond such
 Proportions, or any of them, the Master of the Ship shall, for
 and in respect of every Person or Passenger constituting such
 Excess, be liable to the Payment of a Penalty not exceeding
 Five Pounds Sterling.

No Ship carry-
 ing Passen-
 gers allowed to
 take more than
 a limited Num-
 ber according
 to Space and
 Tonnage.

II. And be it enacted, That in computing the aforesaid Pro-
 portions Two Children, each being under the Age of Fourteen
 Years, shall be computed as One Person or Passenger, and that
 Children under the Age of One Year shall not be included in
 such Computation.

Two Children
 under a certain
 Age to be com-
 puted as One
 Passenger.

III. And be it enacted, That no Ship carrying One hundred
 or more Passengers shall clear out or proceed on her Voyage
 unless there shall be on board a Ship's Cook approved by the
 Emigration Officer at the Port of Clearance, and engaged for
 the Purpose of cooking the Food of the Passengers, nor unless
 a convenient Place shall have been set apart, and a sufficient
 Apparatus provided for that Purpose, to the Satisfaction of the
 said Emigration Officer; and if any Ship shall proceed on her
 Voyage, not having on board such Ship's Cook and cooking
 Apparatus as herein is required, the Master of the said Ship
 shall be liable to a Penalty not exceeding Fifty Pounds.

No Ship carry-
 ing a certain
 Number of
 Passengers to
 proceed on her
 Voyage with-
 out a Ship's
 Cook.

IV. And be it enacted, That whenever any Ship shall carry
 One hundred or more Passengers on any such Voyage as afore-
 said, there shall be on board a Surgeon duly qualified as herein-
 after mentioned, or in default thereof it shall not be lawful for
 any such Ship to carry more Passengers on the Deck upon which
 the Passengers live than in the Proportion of One Passenger to
 every Fourteen Superficial Feet so occupied and appropriated as
 aforesaid.

Ships carrying
 Passengers to
 have a duly
 qualified Sur-
 geon on board,
 else Number
 to be limited.

When limited,
how Children
to be calculated.

Qualification
of Surgeon.

No Ship to
proceed until
the Medicine
Chest and Pas-
sengers have
been inspected
by a Medical
Practitioner.

Remuneration
of Medical
Practitioner.

If no Medical
Practitioner
can be obtained
Ship may pro-
ceed by Per-
mission of
Emigration
Officer.

Passengers
affected with
Diseases may
be re-landed.

Penalty on
Master wilfully
proceeding on
Voyage with
diseased Per-
sons on board.

Passengers so
re-landed en-
titled to recover
Passage Money
by summary
Process before
Two Justices.

V. And be it enacted, That in the Calculation of such Proportion every Child above the Age of One Year shall be computed as One Passenger.

VI. And be it enacted, That every such Surgeon as aforesaid shall be a Person duly qualified by Law to practise in the United Kingdom as Physician, Surgeon, or Apothecary, and who shall not be objected to by the said Emigration Officer.

VII. And be it enacted, That, except as herein-after provided, no Ship shall clear out or proceed on any such Voyage as aforesaid, until the said Surgeon, or, in case of Ships not carrying Surgeons, until some Medical Practitioner, to be appointed by the said Emigration Officer, shall have inspected as well the Medicine Chest of the said Ship as the Passengers on board, and shall certify to the said Emigration Officer that the said Ship contains a sufficient Supply of Medicines, Instruments, and other Things requisite for the Medical Treatment of the Passengers during the intended Voyage, and that none of the Passengers appear to him likely, by reason of being affected by any infectious or other Disease, to endanger the Health of the Persons on board: Provided always, that the Master, Owner, or Charterer of every Ship inspected by any Medical Practitioner so appointed as aforesaid shall pay to such Medical Practitioner a Sum, to be fixed by the said Emigration Officer, not exceeding Twenty Shillings for every Hundred Passengers: Provided also, that in case on any particular Occasion it shall be deemed by the Emigration Officer impossible to obtain the Attendance of such Medical Practitioner, it shall be lawful for the Master of any such Ship to clear out and proceed on her Voyage, on receiving from the said Emigration Officer written Permission for the Purpose.

VIII. And be it enacted, That in case any such Surgeon or Medical Practitioner shall notify to the Emigration Officer at the original Port of Clearance, or at any other Port or Place in the United Kingdom into which the Vessel may subsequently put, or in case the said Emigration Officer shall be otherwise satisfied, that any Person about to proceed on such Voyage as aforesaid is likely, by reason of being affected by any infectious or other Disease, to endanger the Health of the other Persons on board, it shall be lawful for such Officer to re-land, or cause to be re-landed, any such Person, and such Members of his Family, if any, as may be dependent on him, or as may be unwilling to be separated from him; and no Ship shall be cleared out or proceed on any such Voyage so long as any such Person or Persons shall be on board, and the Master of any such Ship who shall wilfully proceed on the said Voyage with any such Person or Persons on board shall be liable to a Penalty not exceeding Fifty Pounds Sterling.

IX. And be it enacted, That any Person or Persons who shall be so re-landed as aforesaid, or the Emigration Officer on his or their Behalf, shall be entitled to recover by summary Process, before Two or more Justices of the Peace, in like Manner as in the said first-recited Act is provided in the Cases of Monies thereby

thereby made recoverable, the whole of the Monies which shall have been paid by him or them, or on his or their Account, for his or their Passage in such Ship as aforesaid, from the Party to whom the same may have been paid, or from the Owner, Charterer, or Master of such Ship.

X. And be it enacted, That it shall be lawful for Her Majesty, by any Order or Orders in Council to be by Her made, with the Advice of Her Privy Council, to prescribe any such Rules and Regulations as to Her Majesty may seem fit for preserving Order, and for securing Cleanliness and Ventilation, on board of *British* Ships proceeding on such Voyage as aforesaid, and the said Rules and Regulations from Time to Time in like Manner to alter, amend, and revoke as Occasion may require; and that any Copy of such Order in Council contained in the *London Gazette*, or purporting to be printed by the Queen's Printer, shall, throughout Her Majesty's Dominions, be received in all legal Proceedings as good and sufficient Evidence of the making and Contents of any such Order in Council.

Her Majesty may issue Orders in Council prescribing Rules, &c. for preserving Order, &c. on board Vessels.

Evidence of Orders, &c.

XI. And be it enacted, That in every *British* Ship it shall be lawful for the Surgeon, or, in Ships not having a Surgeon on board, for the Master of any such Ship, to exact Obedience to all such Rules and Regulations as aforesaid, under the Penalties next herein-after provided.

Surgeon or Master to exact Obedience to Rules and Regulations.

XII. And be it enacted, That any Person on board such Ship who shall neglect or refuse to obey any such Rule or Regulation, or who shall obstruct the Master or Surgeon of such Ship in the Execution of any Duty imposed upon him by such Rule or Regulation, shall be liable to the Payment of a Penalty not exceeding Two Pounds Sterling; and it shall be lawful for the Justices of the Peace in any Part of Her Majesty's Dominions, before whom any Person shall be convicted of such Obstruction or Resistance as aforesaid, to order such Person, in addition to the Penalty herein-before mentioned, to be confined in the Common Gaol for any Period not exceeding One Month.

Penalty for refusing to observe Rules and Regulations.

XIII. And be it enacted, That the said Colonial Land and Emigration Commissioners shall from Time to Time prepare such Abstract as they may think proper of the whole or Part of this and of the said recited Acts, and of any Order in Council to be made as aforesaid; and that Six Copies of the said Abstract, together with Two Copies of this and of the said recited Acts, shall, on Demand, be delivered by the Collector or Comptroller of the Customs of the Port of Clearance to the Master of every Ship carrying Passengers on such Voyage as aforesaid; and that such Master shall, so long as any Passenger be entitled to remain in the Ship, keep posted, in at least Two conspicuous Places between the Decks of the said Ship, Copies of such Abstract, and shall be liable to a Penalty not exceeding Forty Shillings Sterling for every Day during any Part of which by his Act or Default such Abstract shall fail to be so posted; and that any Person displacing or defacing such Abstract so posted shall be liable to a Penalty not exceeding Forty Shillings Sterling.

Colonial Land and Emigration Commissioners to prepare an Abstract of Acts and Orders in Council.

Such Abstract to be posted up in each Ship.

Penalty on Master for Neglect;

and on Person defacing Abstract.

XIV. And

How Penalties
to be recovered.

XIV. And be it enacted, That all Penalties imposed by this Act shall be sued for and recovered by such Persons only, and in such Manner, as in the said first-recited Act is provided in the Case of the Penalties thereby imposed.

Bond required
by first-recited
Act to be Se-
curity for Ob-
servance of
Provisions of
secondly-recited
Act and this
Act.

XV. And be it enacted, That the Bond required by the said herein-before firstly-recited Act to be given in certain Cases to Her Majesty in respect of Ships carrying more than Fifty Passengers shall include and be a Security, not only for the Matters and Payments in the said Act mentioned, but also for the faithful Observance of the Provisions as well of the said herein-before secondly-recited Act as of this Act, and of any Rules and Regulations to be prescribed by any such Order in Council as aforesaid, and further for the due Payment by the Master of any such Vessel of all Penalties which he may be adjudged to pay under or by virtue of the said herein-before secondly-recited Act or of this Act.

Duties of Emi-
gration Officer
may be per-
formed by his
Assistant.

XVI. And be it enacted, That all Powers and Duties given to or imposed upon the Emigration Officer herein-before mentioned may be exercised and performed respectively by his Assistant in his Absence, or, at Ports where there shall be no such Emigration Officer, by the Officer of the Customs whose Duty it may be to grant a Clearance to such Ship.

Interpretation
of Act.

XVII. And be it enacted, That in the Interpretation of this Act the Term "Passenger" shall be held not to include the Class of Passengers commonly known by the Name of Cabin Passengers; and the Term "Ship" shall include every Description of Sea-going Vessel; and the Term "Master" shall include any Person being in Command of such Vessel for the Time being; and that, unless there be something in the Subject Matter or Context repugnant to such Construction, every Word importing the Singular Number or the Masculine Gender only shall be construed to include several Persons, Matters, or Things, as well as one Person, Matter, or Thing, and Females as well as Males respectively.

Exemption of
Ships carrying
less than One
Passenger to
25 Tons.

In certain
Actions as to
Ships carrying
Passengers,
Burden of
Proof to lie on
Defendant.

XVIII. Provided always, and be it enacted, That nothing in this Act contained shall apply to any Ship in which the Number of Passengers shall not bear to the registered Tonnage a greater Proportion than that of One Passenger to every Twenty-five Tons: Provided also, that if in any Action, Prosecution, or other legal Proceeding under this Act any Question shall arise whether any Ship carrying Passengers on any such Voyage as aforesaid did or did not carry a greater Number of Passengers than aforesaid in proportion to the Tonnage thereof, the Burden of proving that the Number of Passengers so carried in proportion to the Tonnage of the Ship was not greater than that of One Person to every Twenty-five Tons shall lie upon the Person against whom any such Action, Prosecution, or other legal Proceeding may be brought; and, failing such Proof, it shall, for any such Purpose as aforesaid, be taken and adjudged that the Number of Passengers so carried did exceed that Proportion.

XIX. And

XIX. And be it enacted, That in all Proceedings it shall be sufficient to cite this Act by the Title of "*The North American Passengers Act.*" Short Title of Act.

XX. And be it enacted, That this Act shall remain in force for the Period of One Year from the passing thereof, and from thence to the End of the then next Session of Parliament. Continuance of Act.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament. Act may be amended, &c.

CAP. VII.

An Act to amend an Act for consolidating the Queen's Bench, Fleet and Marshalsea Prison, and for regulating the Queen's Prison. [28th March 1848.]

WHEREAS by an Act, intituled *An Act for consolidating the Queen's Bench, Fleet and Marshalsea Prisons, and for regulating the Queen's Prison*, passed in the Fifth Year of the Reign of Her Majesty, it is among other things enacted, that in the Queen's Prison the Male Prisoners shall be separated from the Female Prisoners so as to prevent all Communication between them, and that the Prisoners shall be divided into Classes, and that the First Class shall be constituted of Debtors remanded by the Commissioners of the Court for the Relief of Insolvent Debtors on the Ground of Fraud, or for refusing to file a Schedule of their Property: And whereas Doubts have arisen as to the Construction and Application of so much of the above-recited Act as sets forth the Description of such Debtors as shall be comprised in the First Class: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act as prescribes and sets forth that the First Class of Prisoners in the Queen's Prison shall comprise and be formed of Debtors remanded by the Commissioners of the Court of Insolvency on the Ground of Fraud, or for refusing to file a Schedule of their Property, shall be and is hereby repealed. 5 & 6 Vict. c. 22.

So much of recited Act as relates to First-class Prisoners repealed.

II. And be it enacted, That from and after the passing of this Act the First Class of Prisoners in the Queen's Prison shall be composed of the Three following Descriptions of Persons; namely, What Persons shall compose First-class Prisoners after passing of this Act.

First.—Debtors adjudged under the Seventy-seventh, Seventy-eighth, and Ninety-sixth Clauses of the First and Second of *Victoria*, Chapter One hundred and ten, as not entitled to the Benefit of the said Act, and to be discharged at some future Period:

Secondly.—Debtors refusing or neglecting to file a Schedule of their Property when ordered to do so by the Court for the Relief of Insolvent Debtors under the Provisions of the Thirty-sixth Section of the First and Second of *Victoria*, Chapter One hundred and ten:

Thirdly.—

Thirdly.—Bankrupts against whom a Warrant may be issued and lodged by the Commissioners of Bankruptcy for Fraud or Contempt of Court.

Indemnity to Secretary of State and others for Acts already done in regard to Classification of Prisoners, &c.

III. And be it enacted, That this Act shall be and is hereby declared to be a full and complete Indemnity and Discharge to Her Majesty's Secretary of State and to the Keeper of the Queen's Prison respectively, and to all Persons acting under his or their Authority and Control, for all Things heretofore done or permitted to be done by the said Secretary of State or by the said Keeper or other Persons in regard to the Classification of the Prisoners in the Queen's Prison, and that the same shall not be questioned or impeached in any Court of Law or Equity whatsoever to the Prejudice or Detriment of the said Secretary of State or the Keeper of the Queen's Prison, or any Persons acting under his or their Authority and Control.

In case of Illness or Absence of Keeper, Deputy Keeper to act.

IV. And be it enacted, That the Person appointed to act as Deputy Keeper of the Queen's Prison in case of the Illness or unavoidable Absence of the Keeper shall have all the Powers and execute all the Duties of the Keeper of the Queen's Prison, and the Keeper of the Queen's Prison shall be civilly responsible for all Acts and Omissions of his Deputy Keeper.

Tipstiffs of Court of Chancery, &c. to give Security by Bond or otherwise to Keeper of Queen's Prison for faithful Discharge of Duties.

V. And be it enacted, That every Tipstaff of the High Court of Chancery, and of the Courts of Queen's Bench, Common Pleas, and Exchequer, shall and he and they is and are hereby required to give such Security, by Bond or otherwise, to the Keeper of the Queen's Prison for the Time being as the Commissioners of Her Majesty's Treasury or any Three or more of them shall direct, for the faithful Discharge of the Duties intrusted to them as such Tipstiffs of the said Courts respectively in regard to any Prisoners confined in the Queen's Prison; and the said Tipstiffs shall and they are hereby required to obey all such Directions and Instructions as they or either of them may from Time to Time receive from the said Keeper of the Queen's Prison or his Deputy in respect of such Prisoners; and every Tipstaff of the said Courts neglecting or refusing to give such Security when required so to do, or not obeying the Directions and Instructions of the Keeper of the Queen's Prison or his Deputy, shall for every such Default forfeit and pay the Sum of One hundred Pounds, to be recovered in any of Her Majesty's Courts of Law, in such Manner as the said Commissioners of Her Majesty's Treasury may direct.

Penalty on Tipstiffs neglecting to give Security or disobeying Instructions of Keeper of Queen's Prison.

Provisions of former Acts as to reducing Penalties, &c. for introducing spirituous Liquors into Queen's Prison, no longer to exist.

VI. ' And whereas under the Provisions of Acts heretofore
' passed certain Penalties or Terms of Imprisonment are im-
' posed upon Persons convicted of carrying or taking any
' spirituous or fermented Liquor into any Prison, and Power
' has been given by subsequent Acts to any Justice or Justices
' of the Peace before whom the Offender is convicted to reduce
' or lessen the Penalty or Term of Imprisonment, and it is
' expedient to alter such Provisions in regard to the Queen's
' Prison: ' Be it therefore enacted, That, so far as relates to the
Queen's Prison established under the Act passed in the Fifth
Year of Her present Majesty's Reign, the Power to reduce or
lessen

lessen any Penalty or Term of Imprisonment shall no longer exist; and if any Person, in contravention of the existing Rules of the said Prison, shall carry or take or shall attempt to carry or take into the Queen's Prison any spirituous or fermented Liquor, it shall be lawful for the Keeper of the said Prison or his Deputy, or any Turnkey or other Person acting under his or their Authority, to apprehend or cause to be apprehended any Person so offending, and to convey him or her before a Justice of the Peace, who is hereby empowered to hear and determine such Cases in a summary Manner; and if the said Justice shall convict any Person of such Offence, he shall commit such Offender to the Common Gaol or House of Correction, there to be kept in Custody for any Period not exceeding Three Months, without Bail or Mainprize, unless such Offender shall immediately upon Conviction pay down such Sum of Money as shall be adjudged by the said Justice, not exceeding Ten Pounds nor less than Three Pounds: Provided nevertheless, that in every Case where it shall be proved that the spirituous or fermented Liquor was concealed about the Person of the offending Party in Bladders or Skins, it shall not be lawful for any Justice to reduce such Penalty below the Sum of Ten Pounds; any Law, Custom, or Usage to the contrary notwithstanding.

Persons acting in contravention of existing Rules as to introducing spirituous Liquors may be taken before a Justice, and summarily convicted.

Penalty for certain Offences not to be reduced below 10*l*.

VII. And be it enacted, That so much of an Act passed in the Fifty-third Year of the Reign of King George the Third, intituled *An Act for providing Relief for the poor Prisoners confined in the King's Bench, Fleet, and Marshalsea Prisons*, as provides that the Sum to be given to any one Prisoner shall not exceed Sixpence *per Diem*, shall be and the same is hereby repealed.

So much of 55 G. 3. c. 113. as restricts the Sum to be given to Prisoners to 6*d*. per Day repealed.

CAP. VIII.

An Act to continue for Three Years the Duties on Profits arising from Property, Professions, Trades, and Offices.
[13th April 1848.]

Most Gracious Sovereign,

‘ WHEREAS by an Act passed in the Fifth and Sixth Years of Your Majesty's Reign, intituled *An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, until the Sixth Day of April One thousand eight hundred and forty-five*, certain Rates and Duties arising from Property, Professions, Trades, and Offices were granted to Your Majesty for a Term therein limited and now expired, and by an Act passed in the Eighth Year of Your Majesty's Reign the same Rates and Duties were continued for a further limited Term, expiring with the Fifth Day of April One thousand eight hundred and forty-eight, We, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expenses, have freely and voluntarily

5 & 6 Vict. c. 35.

Rates and
Duties granted
by recited Act
further con-
tinued for
Three Years.

The several
Acts continued
in force.

Assessments
under Schedules
(A.) and (B.)
for the Year
1848 to be in
force for Three
Years.

tarily resolved to continue the said Rates and Duties, and to grant the same to Your Majesty for the Period herein-after limited; and do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Rates and Duties by the said first-recited Act granted shall be and the same are hereby continued, and shall be charged, raised, levied, collected, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, from and after the Fifth Day of *April* One thousand eight hundred and forty-eight, for the Term of Three Years thence next ensuing, and until the Assessments made or which ought to be made for the last Year of the said Term, or for any preceding Year, shall be completed, collected, levied, and paid.

II. And be it enacted, That the said first-recited Act, and all and every other Act and Acts in force upon or immediately before the Fifth Day of *April* One thousand eight hundred and forty-eight, in relation to the Duties granted by the said first-recited Act, shall severally be continued and remain in full Force and Effect in relation to the Duties hereby continued and granted as aforesaid; and all and every the Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things contained in the said Acts or any of them, and in force as aforesaid, shall (so far as the same shall be consistent with and shall not be superseded by the express Provisions of this Act) severally and respectively be duly observed, practised, applied, and put in execution in relation to the said Duties hereby continued and granted, as well during the Term herein limited as after the Expiration thereof respectively, for assessing, levying, recovering, paying, deducting, and accounting for the said Duties and all Arrears thereof, and for re-assessing the same in default of Payment, and for the suing for, adjudging, and recovering any Penalty which shall have been or may be incurred in relation to the said Duties, as fully and effectually to all Intents and Purposes as if the same Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties hereby continued and granted as aforesaid.

III. ' And whereas under and by virtue of the said recited Acts the Assessments made for the Year commencing from ' and after the Fifth Day of *April* One thousand eight hundred ' and forty-five of the Duties chargeable under the respective ' Schedules (A.) and (B.) of the said first-recited Act were ' continued in force for Three successive Years, and it is ' expedient that the Assessments of the Duties chargeable under ' the same Schedules by virtue of this Act should in like ' Manner be in force for the Term herein-after mentioned; ' be it enacted, That the Assessments to be made for the Year commencing from the Fifth Day of *April* One thousand eight hundred

hundred and forty-eight of the several Duties chargeable under the said respective Schedules (A.) and (B.), by virtue of this Act, shall respectively be and remain in force for Three successive Years, under and subject to the same Rules, Regulations, and Conditions as are specified in the said first-recited Act with reference to the Assessments made under the same Schedules for the Period of Three Years in the said first-recited Act mentioned: Provided always, that the respective Commissioners acting in the Execution of the said Acts shall cause fresh Duplicates of the said Assessments to be made out for the Second and Third Years respectively of the said Term for which the said Duties are continued by this Act, and such Duplicates to be delivered, together with Warrants under their Hands and Seals, to the Collectors to be appointed for collecting and levying the said Duties for the said Second and Third Years respectively, any thing in the said first-recited Act contained to the contrary notwithstanding.

IV. ‘ And whereas Contracts for Compositions for the Duties chargeable under Schedule (D.) of the said first-recited Act have been entered into, pursuant to the Powers given by the said recited Act in that Behalf, for a Term expiring with the Fifth Day of *April* One thousand eight hundred and forty-eight, and it is expedient to renew and continue the Powers of the Commissioners to enter into new Contracts for such Compositions for the Term limited by this Act;’ be it enacted, That it shall be lawful for the Commissioners for Special Purposes in the said first-recited Act mentioned to contract and agree for a Composition for the Duties chargeable under the said last-mentioned Schedule by virtue of this Act with any Person who may be desirous of compounding for the same for the Period of Three Years, to commence from the Fifth Day of *April* One thousand eight hundred and forty-eight, under and subject to the Rules, Regulations, and Conditions specified in the said first-recited Act with reference to the Compositions thereby authorized to be made for the Duties chargeable under the same Schedule for the Term in the said first-recited Act mentioned.

Power to compound for Duties under Schedule (D.) continued.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. IX.

An Act to continue for Three Years the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty, to assimilate the Stamp Duties in *Great Britain* and *Ireland*, and to make Regulations for collecting and managing the same.

[13th *April* 1848.]

Most Gracious Sovereign,

‘ WHEREAS by an Act passed in the Fifth and Sixth Years of Your Majesty’s Reign, intituled *An Act to assimilate the Stamp Duties in Great Britain and Ireland, and to make Regulations*

5 & 6 Viet. c. 82.

Duties con-
tinued for
Three Years.

Recited Acts
and other Acts
continued in
force.

Act may be
amended, &c.

‘ *Regulations for collecting and managing the same, until the Tenth Day of October One thousand eight hundred and forty-five, certain Rates and Duties denominated Stamp Duties were granted to Your Majesty for a Term therein limited, and now expired; and by an Act passed in the Eighth Year of Your Majesty’s Reign, the same Rates and Duties were continued for a further limited Term, which will expire on the Tenth Day of October One thousand eight hundred and forty-eight:*’ We, Your Majesty’s most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain and Ireland*, in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty’s public Expenses, have freely and voluntarily resolved to continue the said Rates and Duties, and to grant the same to Your Majesty for the Period herein-after mentioned; and do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the several Sums of Money, and Duties, and Composition for Duties, granted by the said first-recited Act, and not repealed by any subsequent Act, and also all Duties now payable in lieu or instead of any of the said Duties which may have been so repealed, shall be and the same are hereby continued, and shall be charged, raised, levied, collected, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, for the Term of Three Years, to commence on and to be computed from the Tenth Day of *October* One thousand eight hundred and forty-eight.

II. And be it enacted, That the said first-recited Act, and all and every other Act and Acts now in force in relation to the Duties granted by the same Act, shall severally be continued and remain in full Force in all respects in relation to the Duties hereby continued and granted, and all and every the Powers and Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things contained in the said Acts or any of them, and in force as aforesaid, shall severally and respectively be duly observed, practised, applied, and put in execution in relation to the said Duties hereby continued and granted, as well during the Term herein limited as after the Expiration thereof, for the charging, raising, levying, paying, accounting for, and securing of the said Duties and all Arrears thereof, and for the preventing, detecting, and punishing of all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if the same Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties hereby granted.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. X.

An Act for empowering certain Officers of the High Court of Chancery to administer Oaths and take Declarations and Affirmations. [13th April 1848.]

‘ **WHEREAS** by an Act passed in the Fifth and Sixth
 ‘ Years of the Reign of Her present Majesty, intituled
 ‘ *An Act for abolishing certain Offices in the High Court of* 5 & 6 Vict. c. 103.
 ‘ *Chancery in England*, the Clerk of Enrolments in Chancery
 ‘ and the Clerks of Records and Writs were empowered to
 ‘ administer Oaths and take Affirmations and Attestations of
 ‘ Honour: And whereas it is expedient that the Clerk of
 ‘ Enrolments in Chancery and Clerks of Records and Writs
 ‘ should be empowered to take such Declarations as herein-
 ‘ after mentioned: And whereas by an Act passed in the Tenth
 ‘ and Eleventh Years of the Reign of Her present Majesty,
 ‘ intituled *An Act for the Discontinuance of the Attendance of* 10 & 11 Vict.
 ‘ *the Masters in Ordinary of the High Court of Chancery in the* c. 97.
 ‘ *Public Office, and for transferring the Business of such Public*
 ‘ *Office to the Affidavit Office in Chancery*, it was amongst other
 ‘ things enacted, that certain Duties theretofore done and per-
 ‘ formed by the Masters in Ordinary in the Public Office should
 ‘ thereafter be done and performed by the Clerk of Affidavits
 ‘ and the Assistant Clerks of Affidavits in manner directed by
 ‘ the said Act, and *William Thodey Smith* was thereby ap-
 ‘ pointed the Second Assistant Clerk of Affidavits under the
 ‘ said Act: And whereas it is expedient that the Clerk of
 ‘ Affidavits and Assistant Clerks of Affidavits respectively
 ‘ should be empowered to administer such Oaths, and take such
 ‘ Declarations and Affirmations, and Attestations upon Honour,
 ‘ as herein-after mentioned:’ Be it therefore enacted by the
 Queen’s most Excellent Majesty, by and with the Advice and
 Consent of the Lords Spiritual and Temporal, and Commons, in
 this present Parliament assembled, and by the Authority of the
 same, That from and after the passing of this Act it shall be
 lawful for every Clerk of Enrolments in Chancery and Clerk
 of Records and Writs to take any Declaration required for the
 Purpose of enrolling any Deed or other Document in Chancery.

Clerk of Enrol-
ments and
Clerks of Re-
cords and Writs
may take De-
clarations.

II. And be it enacted, That from and after the passing of
 this Act it shall be lawful for every Clerk of Affidavits, As-
 sistant Clerk, and Second Assistant Clerk of Affidavits of the
 High Court of Chancery, to administer all such Oaths, and
 take all such Declarations, Affirmations, and Attestations upon
 Honour, as can now be administered or taken, or at any Time
 hereafter may by any Act of Parliament be directed to be
 administered or taken, by or before a Master in Ordinary of the
 said Court.

Clerk of Affi-
davits and
Assistant Clerks
may administer
Oaths and take
Declarations.

III. And be it enacted, That all Persons swearing, declaring,
 affirming, or attesting before any Clerk of Enrolments in
 Chancery, or Clerk of Records and Writs, or Clerk of Affidavits,
 or Assistant Clerk, or Second Assistant Clerk of Affidavits,

Persons swear-
ing or declaring
before such
Officers to be
subject to
Penalties for
Perjury.

under this Act, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein, as if the Matter sworn, declared, affirmed, or attested had been sworn, declared, affirmed, or attested before the High Court of Chancery or any of the Masters in Ordinary thereof.

Filling up
Vacancies in
Office of Second
Assistant Clerk
of Affidavits.

IV. And be it enacted, That as often as the Second Assistant Clerk of Affidavits or any of his Successors shall die or resign, or be removed from his Office, the Lord Chancellor shall have Power to appoint a Second Assistant Clerk of Affidavits in the Room of such one who shall so die, resign, or be removed.

Interpretation
of " Lord Chan-
cellor."

V. And be it enacted, That in construing this Act the Expression "the Lord Chancellor" shall mean and include the Lord Chancellor, Lord Keeper and First Commissioner for the Custody of the Great Seal of the United Kingdom of *Great Britain and Ireland*, for the Time being.

Act may be
amended, &c.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. XI.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
[22d April 1848.]

Numbers.

‘ WHEREAS the raising or keeping a standing Army within
‘ the United Kingdom of *Great Britain and Ireland*, in
‘ Time of Peace, unless it be with the Consent of Parliament, is
‘ against Law: And whereas it is adjudged necessary by Her
‘ Majesty, and this present Parliament, that a Body of Forces
‘ should be continued, for the Safety of the United Kingdom,
‘ the Defence of the Possessions of Her Majesty’s Crown, and
‘ the Preservation of the Balance of Power in *Europe*, and that
‘ the whole Number of such Forces should consist of One hun-
‘ dred and thirteen thousand eight hundred and forty-seven
‘ Men, exclusive of the Officers and Men belonging to the
‘ Regiments employed in the Territorial Possessions of the *East*
‘ *India* Company, but including the Officers and Men of the
‘ Troops and Companies recruiting for those Regiments: And
‘ whereas no Man can be forejudged of Life or Limb, or sub-
‘ jected in Time of Peace to any Kind of Punishment within this
‘ Realm, by Martial Law, or in any other Manner than by
‘ Judgment of his Peers and according to the known and esta-
‘ blished Laws of this Realm; yet nevertheless it being requisite,
‘ for the retaining all the before-mentioned Forces in their Duty,
‘ that an exact Discipline be observed, and that Soldiers who
‘ shall mutiny or stir up Sedition, or shall desert Her Majesty’s
‘ Service, be brought to a more exemplary and speedy Punish-
‘ ment than the usual Forms of the Law will allow:’ Be it
therefore enacted by the Queen’s most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and Tem-
poral,

poral, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Forces, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the Queen's Printer, shall, as soon as may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary at War to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or the *British* Isles, shall by such Articles of War be subject to be transported as a Felon, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, or shall be subject with reference to any Crimes made punishable by this Act to be punished in any Manner which shall not accord with the Provisions of this Act.

Articles of War made by Her Majesty to be judicially taken notice of.

II. And be it enacted, That all the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer, or who are or shall be listed or in Pay as a Non-commissioned Officer or Soldier, and to all Persons employed on the Recruiting Service receiving Pay in respect of such Service, and to the Officers and Soldiers belonging to the Forces of the *East India* Company while such Officers or Soldiers shall be in any Part of the United Kingdom, and to the Officers and Persons who are or shall be serving and hired to be employed in the Royal Artillery and Field Train, and to Master Gunners, and Gunners, and Conductors of Stores, and to all Officers and Persons who are or shall be serving in the Regiment of Royal Engineers and the Corps of Royal Sappers and Miners, and in the Corps of Royal Military Surveyors and Draftsmen, and to Persons in the Ordnance and Commissariat Departments, who are or shall be serving with any Part of Her Majesty's Forces at home or abroad, under the Command of any Officer having Commission from Her Majesty or from His late Majesty King *William* the Fourth, and to all Storekeepers and other Civil Officers who are or shall be employed by or act under the Ordnance at any of Her Majesty's Ordnance Establishments in the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, or at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been given by such Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, under the Provisions of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, to regulate the taking of Securities in all Offices, but that such Bonds and other Securities shall be and remain in full Force and Effect.

Persons subject to this Act.

Act to extend
to Jersey,
Guernsey, &c.

III. And be it enacted, That this Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed, or who shall aid in the Escape of a Prisoner from a Military Prison, or who shall introduce forbidden Articles into such Prison, or shall carry out any such Articles, or who shall assault any Officer of such Prison, and also to the Provisions for exempting Soldiers from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds, in the said Islands.

Foreign Troops
in this Country.

IV. And be it enacted, That all Officers and Soldiers of any Troops, being mustered and in Pay, which shall be raised and serving in any of Her Majesty's Dominions abroad, or in Places in possession of or occupied by Her Majesty's Subjects under the Command of any Officer having any Commission immediately from Her Majesty, shall be subject to the Provisions of this Act and of Her Majesty's Articles of War, in like Manner as Her Majesty's other Forces are; and if such Officers and Soldiers, having been made Prisoners, be sent into *England* or *Ireland*, although not allowed to serve therein, all the Provisions of this Act in regard to billeting Soldiers shall apply to such Officers and Soldiers.

Militia and
Yeomanry.

V. And be it enacted, That nothing in this Act contained shall in anywise be construed to extend to any Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, excepting only in such Cases wherein, by any Act or Acts for regulating any of the said Forces or Corps, the Provisions contained in any Act for punishing Mutiny and Desertion shall be specifically made applicable to the said Corps.

Power to con-
stitute Courts-
martial.

VI. And be it declared and enacted, That for the Purpose of bringing Offenders against this Act and the Articles of War to Justice Her Majesty may from Time to Time, in like Manner as has been heretofore used, grant Commissions under the Royal Sign Manual for the holding Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and may grant Commissions or Warrants under the said Royal Sign Manual to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief, or com-
manding

manding for the Time being any Body of Her Majesty's Forces, as well within the United Kingdom of *Great Britain and Ireland* and the *British Isles* as in any of Her Majesty's Garrisons and Dominions or elsewhere beyond Seas, for convening Courts-martial, and for authorizing any Officer under their respective Commands to convene Courts-martial as Occasion may require, for the Trial of Offences committed by any of the Forces under the Command of any such last-mentioned Officer, whether the same shall have been committed before or after such Officer shall have taken upon him such Command; the Officer so authorized not being however below the Degree of a Field Officer, except upon the Western Coast of *Africa*, where a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act, who shall in any Part of Her Majesty's Dominions or elsewhere commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or the Articles of War, may be tried or punished for the same in any Part of Her Majesty's Dominions where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

VII. And be it enacted, That a General Court-martial convened in *Saint Helena, Africa, Honduras, the Australian Colonies*, and the Settlements on the Coast of *China*, shall consist of not less than Five Commissioned Officers; that if convened in *Jamaica, Newfoundland, Bermuda*, or the *Bahamas*, or in any Part out of the Queen's Dominions, excepting the Parts afore mentioned, it shall consist of not less than Seven; and that if convened in any other Part of the Queen's Dominions, or of the Settlements of the *East India Company*, it shall consist of not less than Thirteen Commissioned Officers, and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, or any other Punishment which shall accord with the Provisions of this Act. General Courts-martial.

VIII. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda, the Bahamas, Saint Helena, Jamaica, Honduras, Newfoundland*, the *Australian Colonies*, the *Windward and Leeward Islands, British Guiana*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in *Africa*, where it may consist of not less than Three Commissioned Officers; and such Court-martial shall have the same Power as a General Court-martial to sentence any Soldier to such Punishments as shall accord with the Provisions of this Act; provided that such Court-martial shall not have Power to try a Commissioned Officer nor to pass any Sentence of Death or Transportation. District or Garrison Courts-martial.

IX. And be it enacted, That a Regimental or Detachment Court-martial shall consist of not less than Five Officers, unless it is found to be impracticable to assemble that Number, when Three may be sufficient, and shall have Power to sentence any Soldier to Corporal Punishment, to Imprisonment, and to Forfeiture Regimental and Detachment Courts-martial.

feiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-martial
on Line of
March or in
Troop Ships.

X. And be it enacted, That in Cases of Mutiny and gross Insubordination, or other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, the Offence may be tried by a Regimental or Detachment Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award.

Courts-martial
in special Cases
out of the
Queen's Do-
minions.

XI. And be it enacted, That it shall be lawful for any Officer commanding any District, Detachment, or Portion of Her Majesty's Troops which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident of any such Countries, by any Person serving with or belonging to Her Majesty's Armies, being under the immediate Command of any such Officer, to convene a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any such Person; and every such Court-martial shall have the same Powers in regard to Sentence upon Offenders as are granted by this Act to General Courts-martial; provided that no Sentence of any such Court-martial shall be executed until the General commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong shall have approved and confirmed the same.

Mixed Courts-
martial in case
of Marines and
East India
Company.

XII. And be it enacted, That, where necessary or expedient, Officers of Her Majesty's Royal Marines, or Officers in the Service of the *East India* Company, or Officers of both such Services, may sit on Courts-martial, together with Officers of Her Majesty's Land Forces, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or to the Marine Forces; and when the Person to be tried shall belong to the Land Forces, then the Proceedings of such Court shall be regulated, to all Intents and Purposes, as if the Court was composed of Officers of Her Majesty's Land Forces only, and the Provisions of this Act, and the Oaths hereby prescribed, shall be applicable to the Proceedings of such Court; but where the Person to be tried shall belong to Her Majesty's Royal Marines, then the Provisions of an Act passed in the present Session of Parliament, for the Regulation of Her Majesty's Royal Marine Forces while on shore, and the Oaths therein prescribed, shall be applicable; and where the Person to be tried shall be in the Service of the *East India* Company the Provisions of an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, to amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and the Oaths thereby prescribed, shall be applicable, notwithstanding any Officer, though

though in the actual Service of the said Company, may hold a Commission from Her Majesty or from His late Majesty King *William* the Fourth.

XIII. And be it enacted, That the President of every Court-martial shall be appointed by the Authority convening such Court, and shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor Commander of the Regiment or Detachment to which the Prisoner belongs; nor in the Case of a General Court-martial under the Degree of a Field Officer, unless a Field Officer cannot be had; nor in any Case whatever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Regimental or Detachment Court-martial holden on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission.

President of
Court-martial.

XIV. And be it enacted, That in all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers; and if the Prisoner shall then object to the President, such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed; but if he object to any Officer other than the President such Objection shall be decided by the President and the other Officers so aforesaid appointed to form the Court; and when the Place of the President or other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall have been made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing the Court shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

Proceedings at
Trial.

XV. And be it enacted, That all General and other Courts-martial shall have Power and Authority, and are hereby required, to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relat-

Swearing and
summoning
Witnesses.

ing to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate General, or his Deputy, or the Person officiating as such, and in the Case of all other Courts-martial, by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or the Court of Session, or Sheriff Depute or Stewarts Depute, or their respective Substitutes, within their several Shires and Stewartries in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness had neglected to attend in a Trial in any Proceeding in the Court in which such Complaint shall be made.

Previous Con-
victions to be
put in Evi-
dence.

XVI. And be it enacted, That after a Prisoner has been found guilty of any Charge or Charges, the Court before which any such Prisoner shall have been tried shall, before passing Sentence on such Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by Courts-martial, and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial a Certificate, which shall purport to contain a Copy of the Charges, Finding, and Sentence of the Court, and of the Minute of the Infliction or Remission of all or any Part of such Sentence, made from the original Minutes of such Court, or from the Court-martial Book, and which shall further purport to be signed by the Judge Advocate General or by his Deputy, or by the Officer officiating as such, or by the Officer confirming the Proceedings, or by his Adjutant General, Brigade Major, or other competent Staff Officer, in case such Copy be taken from the original Minutes, or by the

the Commanding Officer, Adjutant, or other Officer having the Custody of the Court-martial Book, in case such Copy be taken from the said Book, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein-before provided to the Officer commanding a Regiment by the Clerk of any such Court, or other Officer having Custody of the Records of such Court, or the Deputy of such Clerk, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall have been so found guilty.

XVII. And be it enacted, That every Judge Advocate, or Person officiating as such at a General Court-martial, and the President of every District or Garrison Court-martial, where the Offender shall be a Non-commissioned Officer or Soldier belonging to Her Majesty's Land Forces, are required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence thereof to the Judge Advocate General in *London*, in whose Office they shall be carefully preserved; and any Person tried by a General Court-martial, or any Person on his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Six Months if the Trial took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in Her Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

Report of Proceedings of General and District Courts-martial.

XVIII. And

No second
Trial, but Re-
vision allowed.

XVIII. And be it enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence be received by the Court on any Revision.

Crimes punish-
able with Death.

XIX. And be it enacted, That if any Person subject to this Act shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Land or Marine Forces, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny shall not, without Delay, give Information thereof to his Commanding Officer; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy without Her Majesty's License, or License of the General or Chief Commander; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend, or shall desert Her Majesty's Service; or shall leave his Post before relieved, or shall be found sleeping on his Post; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other Officer, being in the Execution of his Office, all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within this Realm or in any other of Her Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death or such other Punishment as by a Court-martial shall be awarded.

Judgment of
Death.

XX. And be it enacted, That no Judgment of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein.

Commutation
of Death for
Transportation.

XXI. And be it enacted, That whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a
Soldier

Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall please to direct; provided that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to Her Majesty, or, if in the *East Indies*, to the Officer commanding as aforesaid.

XXII. And be it enacted, That every Paymaster or other Commissioned Officer of Her Majesty's Forces, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, damage, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage, of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores belonging to Her Majesty's Forces or for Her Majesty's Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster*, or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known; and every Officer sentenced to be transported as a Felon, when such Sentence shall be duly confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Embezzlement
punishable by
Transportation.

XXIII. And be it enacted, That whenever Her Majesty shall intend that any Sentence of Transportation heretofore or hereafter passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Transportation any Sentence of Death passed by any such Court, the Sentence, together with Her Majesty's

Execution of
Sentences of
Transportation
in the United
Kingdom.

Pleasure

Pleasure thereupon, shall be notified in Writing by the Officer commanding in chief Her Majesty's Forces in *Great Britain and Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of Her Majesty's Forces in *Great Britain and Ireland*, then by the Secretary at War or his Deputy, to any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England or Ireland*, and thereupon such Judge shall make an Order for the Transportation of such Offender in conformity with such Notification, and shall also do all such other Acts consequent upon such Notification as such Judge is authorized to do by any Act in force touching the Transportation of other Offenders; and the Person in whose Custody such Offender shall at that Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience, or for interrupting the Execution of such Order, as if the Order had been made under the Authority of any such Act as aforesaid; and every Person so ordered to be transported shall be subject to every Provision made by Law and in force concerning Persons convicted of any Crime and under Sentence of Transportation; and from the Time when such Order of Transportation shall be made every Act in force touching the Escape of Felons, or their afterwards returning or their being at large without Leave, shall apply to such Offender, and to all Persons aiding and abetting, contriving or assisting in any Escape or intended Escape, or returning without Leave of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before whom he was convicted, and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

In the Colonies.

XXIV. And be it enacted, That whenever any Sentence of Transportation heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Transportation, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station,

Station, or in his Absence by the Adjutant General for the Time being, to some Judge of one of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice, or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Transportation or intermediate Custody of such Offender, in like Manner as for the Transportation or intermediate Custody of any other Convict; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who, on Receipt of such Notification, shall cause such Offender to be removed to some Colony or Place in obedience to the Directions for the Removal of Convicts, which shall from Time to Time be transmitted from Her Majesty through one of Her Principal Secretaries of State to such Presidency or Colony; and such Offender on being so removed shall undergo the Sentence of Transportation which has been passed upon him in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be there imprisoned and kept to hard Labour, and otherwise dealt with under such Sentence in the same Manner as if he had been sentenced to be imprisoned, with hard Labour, during the Term of his Transportation, by the Judgment of a Court of competent Jurisdiction in the Colony or Place to which he has been so removed or sent.

XXV. And be it enacted, That any Court-martial may sentence any Soldier to Corporal Punishment not extending to Life or Limb for Immorality, Misbehaviour, or Neglect of Duty; provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

Power to inflict
Corporal
Punishment.

XXVI. And be it enacted, That it shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, to award Imprisonment, with or without hard Labour.

Power to inflict
Corporal
Punishment
and Imprison-
ment.

XXVII. And be it enacted, That in all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded by any Court-martial it shall be lawful for Her Majesty, or for the General or other Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, either solitary or with or without hard Labour, for any Period not exceeding Forty Days; provided that such Commutation of Punishment to solitary Confinement shall in no Case exceed the Period hereinafter prescribed.

Power to com-
mute Corporal
Punishment.

XXVIII. And be it enacted, That any General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely,

Forfeiture of
Pay and Pen-
sion by Sen-
tence of Court-
martial.

lutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case; and that any District or Garrison Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion or for disgraceful Conduct,

In wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not, with Intent to render himself or such other Soldier unfit for Service :

In tampering with his Eyes, with Intent thereby to render himself unfit for Service :

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmary, or delaying his Cure :

In malingering or feigning Disease :

In stealing or embezzling Government Stores, or in receiving them knowing them to have been stolen :

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen ;

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true knowing the same to be false or fraudulent :

In stealing or embezzling or fraudulently misapplying public Money intrusted to him :

Or in committing any Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military :

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

Forfeiture of
Pay on Convic-
tion of Deser-
tion or Felony.

XXIX. And be it enacted, That every Soldier who shall be found guilty of Desertion by a Court-martial, such Finding having been duly approved, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed therein, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

Forfeiture of
Pay when in
Confinement
under Sentence;

XXX. And be it enacted, That if any Non-commissioned Officer or Soldier by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or being an Apprentice by reason of his being allowed to serve out his Time with his Master, shall

shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement or Prolongation of Service as herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Soldier was enlisted or re-engaged, or for which his Term of Service may have been prolonged, and no Soldier shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in arrest for Debt; and that when any Soldier shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence; but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under, or in some Manner aided the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay or a Proportion thereof, and to reckon Service during his Absence; and that any Soldier who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Soldier shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Soldier shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may order that such Soldier shall be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without hard Labour, or with or without solitary Confinement, as the said Commanding Officer may think fit, and such Soldier shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order that, in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Soldier who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself, and in pursuance of any such Order as aforesaid the Pay of the Soldier shall be accordingly forfeited: Provided that such Soldier shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid; provided also, that any Soldier who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence instead of submitting

or during Absence on Commitment under a Charge;

or in arrest for Debt;

or when Prisoner of War;

or when convicted of Desertion, or of Absence without Leave;

or when absent without Leave, not exceeding Five Days.

submitting to such Imprisonment or Forfeiture; provided that it shall be lawful for Her Majesty's Secretary at War to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Soldier during the Period of Absence by any of the Causes aforesaid.

**Forfeiture of
Pay for Drunk-
eness.**

XXXI. And be it enacted, That any Court-martial may sentence any Soldier for being drunk when on or for Duty or Parade or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award.

**Forfeiture of
Pay and Liquor
for habitual
Drunkenness.**

XXXII. And be it enacted, That any General, Garrison, or District Court-martial, before which any Soldier shall be convicted of habitual Drunkenness, shall, in addition to any other Punishment which such Court is competent to award, deprive such Soldier of such Portion of his Pay, for such Period, not exceeding Two Years, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and after any other Punishment which the Court may award, every Regimental or Detachment Court-martial shall deprive a Soldier, convicted of a Charge of habitual Drunkenness, of such Portion of his additional or regular Pay, for such Period, not exceeding Six Months, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; provided that a Soldier so sentenced to the Forfeiture of Pay who shall be quartered at or removed to a Station where Liquor forms Part of his Ration and is issued in Kind, shall be deprived of his Liquor in Kind instead of being deprived of One Penny of his daily Pay for so long a Time as he shall remain at such Station, and such Sentence of Forfeiture of Pay shall remain in force.

Stoppages.

XXXIII. And be it enacted, That, in addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good—

Any Loss or Damage occasioned by him in any of the Instances of disgraceful Conduct herein-before specified:

Any Loss or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss or Destruction of, or Damage or Injury to, his Horse or to the Horse of any other Soldier, or any Loss or Destruction of, or Damage or Injury to, his Accoutrements or Regimental Necessaries, or any Loss or Destruction of, or Damage or Injury to, the Accoutrements or Regimental Necessaries of any other Soldier, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss or Destruction of Accoutrements and Regimental Necessaries, in which Case the Court may by its Sentence direct that the said

Stoppages

Stoppages shall continue till the Cost of replacing the same be made good, the Amount of any Loss, Destruction, Damage, or Injury, or Expence, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that after satisfying the Charges for his Messing and Washing, so much only of the Pay of the Soldier may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

XXXIV. And be it enacted, That whenever any Soldier shall have been convicted of any such disgraceful Conduct, and the Court in respect thereof shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such Soldier, such Court may further recommend that he be discharged with Ignominy from Her Majesty's Service.

Discharge with
Ignominy.

XXXV. And be it enacted, That on the first and on every subsequent Conviction of Desertion the Court-martial, after awarding such Punishment as it may think fit, may order the Offender to be marked on the Left Side, Two Inches below the Arm-pit, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Marking
Deserters.

XXXVI. And be it enacted, That a General or District Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment not exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods; and that any Regimental or Detachment Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Forty Days, or to solitary Confinement for any Period not exceeding Fourteen Days, or may sentence a Soldier to Imprisonment, Part thereof to be with or without hard Labour, and Part thereof in solitary Confinement: Provided always, that when such Court shall direct the Imprisonment to be Part in solitary Confinement, and Part otherwise, the whole Period of such Imprisonment shall not exceed Twenty Days, and the Part thereof in solitary Confinement shall not exceed Ten Days.

Power of Im-
prisonment by
different Kinds
of Courts-
martial.

XXXVII. And be it enacted, That whenever Sentence shall be passed by a Court-martial on a Person already imprisoned under Sentence of a Court-martial for any former Offence, it shall be lawful for the Court to award Imprisonment for the subsequent Offence to commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced, and where such Person shall be already under Sentence, either of Imprisonment or Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence to commence at the Expiration of the Imprisonment or Transportation to

Imprisonmen
of Offenders
already under
Sentence for
previous
Offence.

which such Persons shall have been previously sentenced, although the aggregate of the Terms of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments would be otherwise awarded.

Term and Place
of Imprison-
ment.

XXXVIII. And be it enacted, That, save as herein-before specially provided, every Term of Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall have been signed by the President; and the Place of Imprisonment under the Sentences of General Courts-martial shall be appointed by the Officer commanding the District, Garrison, Island, or Colony, and under the Sentence of any other Court-martial shall be appointed by the Officer confirming the Proceedings of such Court-martial, and in default of such Appointment then the Place of Imprisonment shall be appointed by the Officer commanding the Regiment or Corps to which the Offender belongs or is attached.

Military
Prisons.

XXXIX. And be it enacted, That it shall be lawful for the Secretary at War to set apart any Buildings now erected or which may hereafter be erected, or any Part or Parts thereof, as Military Prisons, and to declare that any Building, or any Two or more separate and detached Buildings, shall be, and thenceforth such Building or Buildings shall be deemed and taken to be, a Military Prison; and every Military Prison, whether the same now exist or may hereafter be established, which shall be, or which under the Provisions of any former Act of Parliament have been, so as aforesaid set apart or declared, shall be deemed to be a public Prison within the Meaning of this Act; and all and every the Powers and Authorities with respect to County Gaols or Houses of Correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State shall, with respect to all such Military Prisons, belong to and may be exercised by the Secretary at War; and it shall be lawful for the Secretary at War from Time to Time to make, alter, and repeal Rules and Regulations for the Government and Superintendence of any such Military Prison, and of the Governor, Provost Marshal, Officers, and Servants thereof, and of Offenders confined therein; and it shall be lawful for the Secretary at War from Time to Time to appoint an Inspector General and Inspectors of Military Prisons, and a Governor or Provost Marshal, and all other necessary Officers and Servants for any such Military Prison, and, as Occasion may arise, to remove the Governor or Provost Marshal, Officer, or Servant of any such Military Prison, and the General or other Officer commanding any District or Foreign Station within which may be any such Military Prison, or such General or other Officer, and such other Person and Persons as the Secretary at War may from Time to Time appoint, shall be a Visitor or Visitors of such Prison; and the Secretary at War may authorize any General Officer commanding on a Foreign Station to appoint periodically

ally Visitors to any Military Prison within his Command; and the Secretary at War shall transmit to the Visitor or Visitors of every Military Prison established by his Authority a Copy of the Rules and Regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced within such Prison; and every Inspector, Visitor, and Governor of any such Military Prison respectively shall, subject to such Rules and Regulations as may from Time to Time be made by the Secretary at War, have and exercise in respect of such Prison, and of the Governors, Officers, and Servants thereof, and of the Prisoners confined therein, all the Powers and Authorities, as well in respect of administering Oaths as otherwise, which any Inspector, Visiting Justice, or Governor of a County Gaol or House of Correction may respectively exercise as such.

XL. And be it enacted, That every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or of any Gaol or House of Correction in any Part of Her Majesty's Dominions, shall receive into his Custody any Military Offender under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without hard Labour, and with or without solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose; and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Soldier, for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing on that Behalf from the Officer commanding such Troops.

Custody of
Prisoners under
Military Sen-
tence in Com-
mon Gaols.

XLI. And be it enacted, That in the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison other than the Military Prisons set apart by the Authority of this Act, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions, it shall be lawful for the Officer who confirmed the Proceedings of the Court, or for the Officer commanding the District, Garrison, Island, or Colony, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a

Proviso for
Removal of
Prisoners.

Witness or for Trial; and such Prisoner shall accordingly, on the Production of such Order, be discharged or be delivered over, as the Case may be; provided also, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Their Subsistence in Common Gaols.

XLII. And be it enacted, That the Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Soldier imprisoned by the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Soldier, during the Period of his Imprisonment, Sixpence *per Diem*, which the Secretary of War shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expence of such Place of Confinement is defrayed.

Expiration of Imprisonment in Common Gaols.

XLIII. And be it enacted, That every Gaoler, or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to believe or to know, that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve Her Majesty on the Expiration of his Imprisonment, shall give, if in *Great Britain*, to the Secretary at War, and if in *Ireland* to the General commanding Her Majesty's Forces in *Ireland*, One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice then the longest practicable Notice thereof.

Musters and Punishment for false Musters.

XLIV. And be it enacted, That Musters shall be taken of every Regiment, Troop, or Company in Her Majesty's Service, twice at least in every Year, at such Times as shall be appointed; and no Soldier shall be absent from such Musters unless properly certified to be employed on some other Duty of the Regiment, or to be sick, or in Prison, or on Furlough; and every Officer who shall make any false or untrue Muster of Man or Horse, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial, shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom

Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service.

XLV. And be it enacted, That every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from Her Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and whether such Soldier shall be tried for deserting from the Corps into which he originally enlisted, or for deserting from the same Corps into which he may have subsequently enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may be so tried may, if duly stated in the Charges, be given in Evidence against him on such Trial.

Trials for Desertion after subsequent Re-enlistment.

XLVI. And be it enacted, That upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with then it shall be lawful for any Officer or Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice living in or near such Place, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear by the Testimony of One or more Witnesses, taken upon Oath, or by the Confession of such suspected Person, or by the Knowledge of such Justice, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Regiment to which he belongs, if stationed within Five Miles of the Place of Apprehension, or if such Head Quarters or Depôt shall not be stationed within Five Miles, then to the nearest or most convenient public Prison (other than a Military Prison set apart under the Authority of this Act), whether such Prison be in the County or Borough in which such suspected Person was apprehended or in which he was committed or not; or if the Deserter shall have been apprehended by a Party of Soldiers of his own Regiment in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary at War, specifying therein whether such Deserter was delivered to his Regiment or to the Party of his Regiment in order for his being taken to the Head Quarters or Depôt of his Regiment, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the Office of the said Secretary at War, and proceeded against according to Law; and such Justice shall also send to the Secretary at War a Report, stating the Names of the Persons by whom the Deserter was apprehended and secured;

Apprehension of Deserters in the United Kingdom.

In the Colonies.

Temporary
Custody of
Deserters in
Gaols.

Desertion of
Recruits.

and the Secretary at War shall transmit to such Justice an Order for the Payment to such Persons of such Sum, not exceeding Forty Shillings, as the Secretary at War shall be satisfied they are entitled to, according to the true Intent and Meaning of this Act; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody pay such Fee of Two Shillings, and also upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary at War, and transmit also to the Secretary at War a Copy of the Commitment, to the end that such Secretary at War may order Repayment of the same; and that when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies the Justice shall forthwith cause him to be conveyed to some public Prison, if the Regiment to which he is suspected to belong shall not be in the Colony, or, if the Regiment be in the Colony, the Justice may, if within reasonable Distance, deliver him into Custody at the nearest Military Post, although the Regiment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the General or other Officer commanding in the Colony a Description Return in the Form prescribed, to the end that such Person may be removed by the Order of such Officer, and proceeded against according to Law.

XLVII. And be it enacted, That every Gaoler, or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine every Deserter who shall be delivered into his Custody by any Soldier conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary at War, which Order shall continue in force until the Deserter shall have arrived at his Destination; and such Gaoler or Person shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by Her Majesty's Regulations.

XLVIII. And be it enacted, That any Recruit who shall desert prior to joining the Regiment for which he has enlisted shall, on being apprehended, and committed for such Desertion by any Justice of the Peace upon the Testimony of One or more Witnesses upon Oath, or upon his own Confession, be liable to be transferred to any Regiment or Depôt nearest to the Place where he shall have been apprehended, or to any other

other Regiment to which Her Majesty may deem it more desirable that he should be transferred: Provided always, that all Cavalry Recruits so committed for Desertion shall be transferred to Cavalry Regiments, and Infantry Recruits to Infantry Regiments; and that such Deserters thus transferred shall not be liable to other Punishment for the Offence, or to any other Penalty, except the Forfeiture of their personal Bounty, reserving only for them that Part of the Bounty which is applicable to and required for the Provision of Necessaries.

XLIX. And be it enacted, That any Person who shall voluntarily deliver himself up and confess himself to be a Deserter from Her Majesty's Forces, or the embodied Militia, or the Forces of the *East India* Company, or who, while serving in any of Her Majesty's Forces, or the embodied Militia, or the Forces of the *East India* Company, shall to any Officer or Non-commissioned Officer thereof confess himself to be a Deserter as aforesaid, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have duly enlisted and to be a Soldier, and shall be liable to serve in any of Her Majesty's Forces, as Her Majesty shall think fit to appoint, whether such Person shall have been actually enlisted as a Soldier or not; or in case such Person shall not be a Deserter as aforesaid, he shall be liable to be taken before Two Justices of the Peace, and, on Proof that any such Confession as aforesaid was false, shall by them be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and if in *Scotland* or *Ireland* by Commitment to some Prison or House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, or be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act passed in the Seventh and Eighth Years of His Majesty King George the Fourth, intituled *An Act for amending and consolidating the Laws in England relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*, or shall be deemed guilty, if in *Scotland*, of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, as the Case may be, shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Soldier by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, as the Case may be, and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished in *England*

Fraudulent
Confession of
Desertion.

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, or for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the first Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in any of Her Majesty's Forces, he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

Extension of
Furlough in
case of Sick-
ness.

L. And be it enacted, That when there shall not be any Military Officer of Rank, not inferior to Captain, or any Adjutant of Regular Militia, within convenient Distance of the Place where any Non-commissioned Officer or Soldier on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall by Letter immediately certify such Extension and the Cause thereof to the Commanding Officer of the Corps or Detachment to which such Non-commissioned Officer or Soldier belongs, if known, and if not, then to the Agent of the Regiment, in order that the proper Sum may be remitted to such Non-commissioned Officer or Soldier, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter; provided that nothing herein contained shall be construed to exempt any Soldier from Trial and Punishment, according to the Provisions of this Act, for any false Representation made by him in that Behalf to the said Justice, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

No Person
acquitted or
convicted by
the Civil Magis-
trate, or by a
Jury, to be
tried by Court-
martial for the
same Offence.

LI. And be it enacted, That no Person having been acquitted or convicted of any Crime or Offence by the Civil Magistrate, or by the Verdict of a Jury, shall be liable to be again tried for the same Crime or Offence by a Court-martial, or punished for the same, otherwise than by cashiering; and that whenever any Officer or Soldier shall have been tried by any Court of ordinary Criminal Jurisdiction, the Clerk of such Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Regiment

Regiment to which such Officer or Soldier shall belong, transmit to him a Certificate, containing the Substance and Effect only of the Indictment, omitting the formal Part, and containing also a Copy of the Entry of the Judgment of the Court thereon if such Officer or Soldier shall have been convicted, or of the Acquittal of such Officer or Soldier, and shall be allowed for such Certificate a Fee of Three Shillings.

LII. And be it enacted, That no Person whatever enlisted into Her Majesty's Service as a Soldier shall be liable to be arrested or taken therefrom, by reason of the Warrant of any Justice or other Process, for not supporting, or for leaving chargeable on any Parish, Township, or Union, any Wife or any Child or Children legitimate or illegitimate, or (except in the Case of an Apprentice) on account of any Breach of Contract or Engagement to serve or work for any Employer; and no Person enlisted as a Soldier or serving as a Non-commissioned Officer or Drummer on the permanent Staff of the disembodied Militia shall be liable to be taken out of Her Majesty's Service by any Process or Execution whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff or some one on his Behalf, for which no Fee shall be taken, before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Thirty Pounds at least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Soldier, or by his Superior Officer, and by Warrant under his Hand discharge such Soldier without Fee, he being shown to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters or Place of Residence before such Listing, may file a Common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than against the Body.

Soldiers not to be taken for Debts under 30*l*.

LIII. And be it enacted, That no Officer of Her Majesty's Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish poor Child bound Apprentice to him.

Officers not liable to take Parish Apprentices.

LIV. And be it enacted, That no Person who shall be commissioned and in Full Pay as an Officer shall be capable of being nominated or elected to be Sheriff of any County or other

Officers not to be Sheriffs or Mayors.

Enlisting and
swearing of
Recruits.

other Place, or to be Mayor, Portreeve, Alderman, or shall be capable of holding any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland*.

LV. And be it enacted, That every Person who shall receive Enlisting Money, knowing it to be such, from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, an attested Soldier, or an Out-Pensioner of *Chelsea* Hospital authorized to enlist Recruits, shall be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall within Twelve Hours after the Receipt of the Enlisting Money cause to be taken down in Writing the Name and Place of Abode of such Recruit, and (if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist) the Place also at which he shall declare that he intends to sleep, in order that, within Forty-eight but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Soldier in Her Majesty's Land Service he shall, within Four Days (any intervening *Sunday* not included) but not sooner than Twenty-four Hours after such enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before any Justice or other Magistrate residing in the Vicinity of the Place where such Person shall have enlisted, or before any Justice or other Magistrate acting for the Division, District, or Place where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, and in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the Fortieth and Forty-sixth Articles of the Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths; and the Fee for administering each Oath shall be One Shilling and no more; and the said Justice is hereby required to give under his Hand the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Justice at the Request of the Officer or Non-commissioned Officer

Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

LVI. And be it enacted, That any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall have been paid to such Recruit subsequent to the Period of his having been enlisted, shall be forthwith discharged and set at liberty in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice: Provided also, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and after deducting One Shilling as the Fee to his Clerk for reporting the Payment to the Secretary at War shall be paid to any Person belonging to the Recruiting Party entitled thereto demanding the same; provided that no Recruit who has been actually, though erroneously, discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment shall be liable on that account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

Dissent and
Relief from
Enlistment.

LVII. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Soldier in Her Majesty's Service as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless

Offences con-
nected with
Enlistment.

unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to Her Majesty's Secretary at War, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he be finally adjudged to be a Deserter; and any Recruit who shall enlist into Her Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmary concealed or not declared by such Recruit before the Justice at the Time of his Attestation, may be transferred to any Garrison or Veteran or Invalid Battalion or Company, or into Her Majesty's Marine Forces, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as Her Majesty may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, any thing in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices acting for the County, District, City, Burgh, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought, and shall be proved upon Oath before them to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have wilfully concealed any such Infirmary, or to have designedly made any false Representation upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted upon Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned with hard Labour in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into Her Majesty's Service or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent
and

and Meaning, if in *England*, of an Act passed in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in Eng-* 7 & 8 G. 4. c. 22.
land relative to Larceny and other Offences connected therewith; and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An* 9 G. 4. c. 55.
Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith; and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition, and any such Recruit shall be tried for any such Offence in any County or Place where he may at any Time happen to be; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his being attested; and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service or to Her Majesty's Ordnance, Navy, or Marines, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary at War by the Justice before whom such Proof shall have been given; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist who shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon Oath of One Witness or upon his own Confession, or upon the Production of the Attestation, and the before-mentioned Acknowledgment of such Person certified by the Secretary at War or Deputy Secretary at War, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, into which he shall have so enlisted; provided that every such Person shall be liable to serve within the United Kingdom of *Great Britain* and *Ireland* in any Regiment, Battalion, or Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and liable to be apprehended and dealt with and punished as a Deserter

serter from the Corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Corps as aforesaid.

Punishment of
Officers offend-
ing against
Laws regarding
Enlistment.

LVIII. And be it enacted, That every Military Officer, who shall wilfully act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for Her Majesty's Service or for the Service of the *East India* Company, shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Enlistment and
Re-enlistment
abroad.

LIX. ' And whereas it is expedient that Provision should be made for enlisting and attesting of Soldiers desirous of re-enlisting and others desirous of enlisting abroad ;' be it therefore enacted, That it shall be lawful for any Person duly appointed by Her Majesty by any Warrant signed by the Secretary at War in that Behalf, and not being a General Officer nor holding any Regimental Commission, to enlist and attest, out of *Great Britain* or *Ireland*, any Soldiers or Persons desirous of enlisting or re-enlisting into Her Majesty's Service ; and any Person so appointed shall have the same Powers in that Behalf as are given to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation ; and any Person so enlisted or re-enlisted shall be deemed to be an attested Soldier ; and as often as any Corps shall be relieved or disbanded at any Station beyond the Seas it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to receive as Transfers as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain ; and every Soldier so transferred is hereby deemed to be discharged from his former Corps, and an attested Certificate of Transfer shall be delivered to the Soldier ; and every Infantry Soldier consenting to be transferred to the Cavalry or Artillery shall upon such Transfer become liable to serve the limited Period prescribed for the Cavalry or Artillery, as the Case may be, notwithstanding his original Engagement to serve in the Infantry for a shorter Period.

Enlistment of
Negroes.

LX. And be it enacted, That all Negroes or Persons of Colour who, although not born in any of Her Majesty's Colonies, Territories, or Possessions, shall have voluntarily enlisted into Her Majesty's Service, shall while serving be deemed to be Soldiers legally enlisted into Her Majesty's Service, and entitled to all the Privileges of natural-born Subjects ; and all Negroes purchased by or on account of Her Majesty previous to the total Abolition of Slavery throughout the *British* Colonies, and serving in any of Her Majesty's Forces, and all Negroes who have been seized and condemned as Prize under the Slave Trade Acts, and appointed to serve in Her Majesty's Army, shall be deemed to be and shall be entitled to all the Advantages of Negroes or Persons of Colour voluntarily enlisted to serve as Soldiers in any of Her Majesty's Colonial Forces.

LXI. And

LXI. And be it enacted, That any Person duly bound as an Apprentice who shall enlist as a Soldier in Her Majesty's or the *East India* Company's Service, and shall state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning of the before-recited Acts, if in *England* or in *Ireland*, and of Falsehood, Fraud, and wilful Imposition, if in *Scotland*, and shall after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Soldier in any of Her Majesty's Regular Forces, or in the Forces of the *East India* Company, according to the Terms of the Enlistment; and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, may be taken as a Deserter from Her Majesty's Forces.

Apprentice enlisting to be liable to serve after the Expiration of his Apprenticeship.

LXII. And be it enacted, That no Master shall be entitled to claim an Apprentice who shall enlist as a Soldier in Her Majesty's or the *East India* Company's Service, unless he shall, within One Calendar Month after such Apprentice shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and produce the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; and unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, not having been above the Age of Fourteen when so bound, and, if in *Ireland* or in the *British* Isles, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign, and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age; provided that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid: Provided also, that any Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive to his own Use so much of

Claims of Masters to Apprentices.

of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

Punishment of
Apprentices
enlisting.

LXIII. And be it enacted, That no Apprentice claimed by his Master shall be taken from any Corps or Recruiting Party but under a Warrant of a Justice residing near, and within whose Jurisdiction such Apprentice shall then happen to be, before whom he shall be carried, and such Justice shall inquire into the Matter upon Oath, which Oath he is hereby empowered to administer, and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the said Place, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender, in *Scotland*, may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment; provided that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

Wages of Ser-
vants enlisting.

LXIV. And be it enacted, That it shall be lawful for the Justice before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall make an Order for the Payment of the Amount so awarded, and in case of Neglect or Refusal to pay the same within Four Days shall issue his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Master.

Removal of
Doubts as to
Attestation of
Soldiers.

LXV. ‘ And whereas certain Soldiers who have heretofore
‘ been duly enlisted, and who have voluntarily taken the Oath
‘ of Allegiance and Fidelity, and are now receiving Her Ma-
‘ jesty’s Pay, have been sworn and attested, but Doubts have
‘ arisen whether the Justices before whom the said Soldiers
‘ have been so sworn and attested were duly qualified to ad-
‘ minister to such Soldiers the Oaths prescribed by the several
‘ Acts passed for the punishing Mutiny and Desertion, and for
‘ the better Payment of the Army and their Quarters;’ be it
enacted, That in every Case where any such Soldier, having
been duly enlisted, shall have been so attested and sworn, and
shall

shall not have claimed to be discharged on or before the Seventeenth Day of *March* One thousand eight hundred and forty-six, he shall not be entitled to his Discharge by reason of such Informality, but shall be liable to all the Provisions of this Act, and of the Act passed during the last Session of Parliament for the punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, where in force, and shall be entitled to the full Benefit of his past Service, and to all Pay and Pension in respect thereof, to all Intents and Purposes and in like Manner as if he had been duly attested and sworn.

LXVI. And be it enacted, That no Secretary at War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or their under Officers, shall receive any Fees or make any Deductions whatsoever out of the Pay of any Officer or Soldier in Her Majesty's Army, or from their Agents, which shall grow due from and after the Twenty-fifth Day of *April* One thousand eight hundred and forty-eight, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required by Her Majesty's Regulations, or by Her Majesty's Order signified by the Secretary at War; and every Paymaster or other Officer having received any Officer's or Soldier's Pay who shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by Her Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, if he demand it, shall be discharged from any further Service; provided as aforesaid that it shall be lawful for Her Majesty's Secretary at War to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty, or, in case of any Doubt as to the proper Issue of Pay, to withhold it from the Parties aforesaid until Her Majesty's Orders shall have been signified by the Secretary at War.

Authorised
Deductions
only to be made
from the Pay
of the Army.

LXVII. ' And whereas by Petition of Right in the Third Year of King *Charles* the First it is enacted and declared, that the People of the Land are not by the Laws to be burdened with the sojourning of Soldiers against their Wills; and by a Clause in an Act of the Parliament of *England*, made in the Thirty-first Year of the Reign of King *Charles* the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred and sixty-two Pounds Seventeen Shillings and Three-pence, for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whosoever, should thenceforth presume to place, quarter, or billet any Soldier upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent, and that it shall be

How and where
Troops may be
billeted.

6 Anne (I.)

' lawful for any Subject or Inhabitant to refuse to quarter any
 ' Soldier, notwithstanding any Warrant or Billeting whatso-
 ' ever: And whereas by an Act passed in *Ireland* in the Sixth
 ' Year of the Reign of Queen *Anne*, intituled *An Act to prevent*
 ' *the Disorders that may happen by the marching of Soldiers, and*
 ' *providing Carriages for the Baggage of Soldiers on their March,*
 ' it was enacted, that no Officer, Soldier, or Trooper in the
 ' Army, nor the Servant of any Officer, nor any Attendant on
 ' the Train of Artillery, should at any Time thereafter be
 ' allowed any Quarters in any Part of *Ireland*, save only during
 ' such Time as he or they should be and remain in some Seaport
 ' Town in order to be transported, or during such Time as there
 ' should be any Commotion in any Part of *Ireland*, by reason of
 ' which Emergency the Army should be commanded to march
 ' from any Part of *Ireland* to another: But forasmuch as at
 this Time, during the Continuance of this Act, there is and
 may be Occasion for the marching and quartering of Regi-
 ments, Troops, and Companies in several Parts of the United
 Kingdom of *Great Britain* and *Ireland*, be it enacted, That it
 shall be lawful for all Constables of Parishes and Places, and
 other Persons specified in this Act, in *England* and *Ireland*, and
 they are hereby required, to billet the Officers and Soldiers in
 Her Majesty's Service and Persons receiving Pay in Her
 Majesty's Army, and the Horses belonging to Her Majesty's
 Cavalry, and also all Staff and Field Officers Horses, and all
 Bât and Baggage Horses belonging to any of Her Majesty's
 other Forces, when on actual Service, not exceeding for each
 Officer the Number for which Forage is or shall be allowed by
 Her Majesty's Regulations, in Victualling Houses and other
 Houses specified in this Act (taking care in *Ireland* not to
 billet less than Two Men in One House, except only in case of
 billeting Cavalry as specially provided); and that they shall be
 received by the Occupiers of such Houses in which they are so
 allowed to be billeted, and be furnished by such Victuallers with
 proper Accommodation in such Houses, or if any Victualler
 shall not have sufficient Accommodation in the House upon
 which a Soldier is billeted, then in some good and sufficient
 Quarters to be provided by such Victualler in the immediate
 Neighbourhood, and in *England* with Diet and Small Beer, and
 with Stables, Hay, and Straw for such Horses as aforesaid,
 paying and allowing for the same the several Rates herein-after
 provided; and at no Time when Troops are on a March shall
 any of them, whether Infantry or Cavalry, be billeted above
 One Mile from the Place mentioned in the Route; and in all
 Places where Cavalry shall be billeted in pursuance of this
 Act, the Men and their Horses shall be billeted in one and the
 same House, except in case of Necessity; and in no other Case
 whatsoever shall there be less than One Man billeted where
 there shall be One or Two Horses, nor less than Two Men
 where there shall be Four Horses, and so in proportion for a
 greater Number; and in no Case shall a Man and his Horse be
 billeted at a greater Distance from each other than One hundred
 Yards;

Yards; and the Constables are hereby required to billet all Soldiers and their Horses on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were locally situate within such Place; provided that nothing herein contained shall be construed to extend to authorize any Constable to billet Soldiers out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Soldiers and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Soldiers billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice to One or more Justices, and if against a Justice then to Two or more Justices within whose Jurisdiction such Soldiers are billeted, such Justices respectively shall have Power to order such of the Soldiers to be removed, and to be billeted upon other Persons, as they shall see Cause; and when any of Her Majesty's Cavalry or any Horses as aforesaid shall be billeted upon the Occupiers of Houses in which Officers or Soldiers may be quartered by virtue of this Act who shall have no Stables, then and in such Case, upon the written Requisition of the Commanding Officer of the Regiment, Troop, or Detachment, the Constable is hereby required to billet the Men and their Horses, or Horses only, upon some other Person or Persons who have Stables by this Act liable to have Officers and Soldiers billeted upon them; and upon Complaint being made by the Person or Persons to whose House or Stables the said Men and Horses shall have been so removed to Two or more Justices within whose Jurisdiction such Men or Horses shall be so billeted, it shall be lawful for such Justices to order a proper Allowance to be paid by the Person relieved to the Persons receiving such Men and Horses, or to be applied in furnishing the requisite Accommodation; and Commanding Officers may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Billets, to extend any Routes or enlarge the Districts within which Billets shall be required, in such Manner as shall appear to be most convenient to the Troops; provided that, to prevent or punish all Abuses in billeting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or Order under his Hand,

Exemptions
from Billets.

to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Soldiers are billeted, stating the Street or Place where such Persons dwell, and the Sign, if any, belonging to those Houses; and it shall be lawful for Constables to billet Officers and Soldiers in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England*; and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh*: Provided that no Officer or Soldier shall be billeted in *England* in any private Houses or in any Canteen held or occupied under the Authority of the Ordnance Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the Houses of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Storekeeper whose principal Dealing shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Billeting the
Guards in and
near Westmin-
ster.

LXVIII. And be it enacted, That the Officers and Soldiers of Her Majesty's Foot Guards shall be billeted within the City and Liberties of *Westminster* and Places adjacent, lying in the County of *Middlesex* (except the City of *London*), and in the County of *Surrey*, and in the Borough of *Southwark*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act; and the High Constable shall, on Receipt of the Order for billeting Soldiers, deliver Precepts to the several Constables within their respective Divisions, in pursuance of which the said Constables shall billet such Officers and Soldiers equally and proportionally on the Houses subjected thereto by this Act; and the said Constables shall at every General Sessions of the Peace to be holden for the said City and Liberties, Counties, and Borough respectively, make and deliver to the Justices then in open Session assembled, upon Oath, which Oath the said Justices are hereby required to administer, Lists, signed by them respectively, of the Houses subject by this Act to receive Officers and Soldiers, together with the Names and Rank of all Officers and Soldiers billeted on each respectively, which Lists shall remain with the respective Clerks of the Peace for the Inspection of all Persons, without Fee or Reward; and such Clerk shall forthwith from Time to Time deliver to any Persons who shall require the same true Copies of any such Lists, upon being paid Two-pence *per* Sheet for the same, each Sheet to contain at the least One hundred and fifty Words.

LXIX. And

LXIX. And be it enacted, That no Justice having or executing any Military Office or Commission in any Part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing Quarters for any Soldier in the Regiment, Troop, or Company under the immediate Command of such Justice, but that all Warrants, Acts, or Things so appointed by such Justice for or concerning the same shall be void.

Military Officers not to act as Justices in billeting.

LXX. And be it enacted, That the Innholder or other Person on whom any Soldier is billeted in *England* shall, if required by such Soldier, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at the intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Ten-pence; and all Innholders and other Persons on whom Soldiers may be billeted in *England*, except when on the March and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldier with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of One Halfpenny *per Diem* for each Soldier; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Forces shall be billeted in *England*, for Hay and Straw, shall be Nine-pence *per Diem* for each Horse; and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person, for Horses billeted by virtue of this Act, shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland*; and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses on which they are billeted, the Sum of Four-pence *per Week* for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay for any Officers or Soldiers shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons upon whom such Officers and Soldiers are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any Officer as aforesaid shall not pay the same, upon Complaint, and Oath made thereof by any Two Witnesses, at the next Quarter Sessions for the County or City where such Quarters were situated, the Secretary at War is hereby

Allowance to Innkeepers.

hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Regimental Agent to pay the said Sums, and to charge the same against such Officers; and in case of any Soldier being suddenly ordered to march, and that the respective Commanding Officers are not enabled to make Payment of the Sums due for the Lodging of the Men and Stabling for the Horses, every such Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billeted, and sign a Certificate thereof; which Account and Certificate shall be transmitted to the Agent of the Regiment, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer.

Definition of
Terms.

Powers and
Regulations as
to Billets.

LXXI. And be it enacted, That all the Powers and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed*; and all Powers and Provisions relating to the *British Isles* shall be construed to extend to *Guernsey, Jersey, Alderney, Sark, and Man*, and all Isles thereto and to *England* and *Ireland* belonging; and all Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billeting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act in relation to billeting; and all Provisions for billeting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland*; and in *Ireland* when there shall not be found sufficient Room in such Houses, then to billeting Soldiers in such Manner as has been heretofore customary

Supply of Car-
riages.

LXXII. And be it enacted, That for the regular Provision of Carriages for Her Majesty's Forces, and their Baggage, in their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from Her Majesty, or the General of
Her

Her Forces, or the Master General or Lieutenant General of Her Majesty's Ordnance, or other Person duly authorized in that Behalf, shall, on Production of such Order to such Justices by some Officer or Non-commissioned Officer of the Regiment so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out once in every Year of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constable within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation as far as the same can be done.

LXXIII. And be it enacted, That in every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile any other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in *Ireland*, for every Hundred Weight, loaded on any Wheel Carriage, One Halfpenny per Mile; and in *England* such further Rates may be added, not exceeding a total Addition per Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, or Sixpence, as may seem reasonable to the Justices

Rates to be paid for Carriages, and Regulations relating thereto.

assembled at General Sessions for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices or Recorder at Sessions shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and one other Justice, or by the Recorder, shall be transmitted to the Secretary at War within Three Days after the making thereof; and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher; provided that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper, and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in the Presence of a Justice or Constable; provided that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car, and Six-pence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance to Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*; provided that a Cart with One or more Horses for which the Furnisher shall receive Nine-pence a Mile shall be required to carry Fifteen Hundred Weight at the least; provided that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Soldiers from
Dublin,

Dublin, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations hereinbefore mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

LXXIV. And be it enacted, That it shall be lawful for Her Majesty, or the Lord Lieutenant or Chief Governors of *Ireland*, by Her or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary at War, or if in *Ireland* by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding Her Majesty's Forces in any District or Place, or to the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of Her Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision not only of Waggon, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Post Chaises, Chaises, and other Four-wheeled Carriages kept for Hire, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or Navigable River, as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition to such Justice by any Officer of the Corps ordered to be conveyed, or by any Officer of the Commissariat or Ordnance Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act, as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages, in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon, not only the Baggage, Provisions, and Military Stores of such Regiment or Detachment, but also the Officers, Soldiers, Ser-

Supply of Carriages in Cases of Emergency.

vants, Women, Children, and other Persons of and belonging to the same.

Justices empowered to reimburse Constables for Sums expended by them.

LXXV. And be it enacted, That it shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the public Stock of the County or Riding, or if such public Stock be insufficient then out of the Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

Routes in Ireland.

LXXVI. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency, for the marching of any of Her Majesty's Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Tolls.

LXXVII. And be it enacted, That all Her Majesty's Officers and Soldiers, being in proper Staff or Regimental or Military Uniform, Dress or Undress, and their Horses, (but not when passing in any hired or private Vehicle,) and all Recruits, marching by Route, and all Prisoners under Military Escort, and all enrolled Pensioners in Uniform when called out for training or in aid of the Civil Power, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, when conveying Persons or Baggage or returning therefrom, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal, from Payment of Tolls, in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein-before enacted.

Ferries.

LXXVIII. And be it enacted, That when any Soldiers on Service have Occasion in their March by Route to pass regular Ferries in *Scotland*, the Officer commanding may at his Option pass over with his Soldiers as Passengers, and shall pay for himself and each Soldier One Half only of the ordinary Rate payable by single Persons, or may hire the Ferry Boat for himself and his Party, debarring others for that Time, and shall in all such Cases pay only Half the ordinary Rate for such Boat.

Marching Money on Discharge.

LXXIX. And be it enacted, That every Soldier entitled to his Discharge shall, if then serving abroad, be sent, if he shall so require it, to *Great Britain* or *Ireland* free of Expence, and shall be entitled to receive Marching Money from the Place of his

his being landed (or, if discharged at home, shall receive Marching Money from the Place of his Discharge) to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment.

LXXX. And be it enacted, That the Churchwardens of every Parish in *England* and *Ireland*, and the Constables or other Officers of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary at War of the Names of any Soldiers belonging to the said Parish who have, for meritorious Conduct in the Army, received Her Majesty's special Approbation, or who, in consequence of Misconduct, have been dismissed Her Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of the said Notification.

Notification to
Parishes of
good or bad
Conduct of
Soldiers.

LXXXI. And be it enacted, That nothing in this Act shall be construed to extend to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law; and that if any Commanding Officer shall neglect or refuse, on Application being made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier under his Command accused of any Crime or Offence against the Person, Estate, or Property of any of Her Majesty's Subjects which is punishable by the well-known Laws of the Land, or shall wilfully obstruct, neglect, or refuse to assist the Officers of Justice in apprehending any Officer or Soldier under his Command, so accused as aforesaid, such Officer shall, upon Conviction thereof in any of Her Majesty's Superior Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be thenceforth utterly disabled to have or hold any Civil or Military Office or Employment in the United Kingdom of *Great Britain* and *Ireland* or in Her Majesty's Service; and a Certificate thereof, containing the Substance and Effect of the Indictment only, omitting the formal Part, with the Copy of the Entry of the Judgment of the Court thereon, shall be transmitted to the Judge Advocate General in *London*.

Ordinary
Course of Cri-
minal Justice
not to be inter-
fered with.

Punishment
of Officers
obstructing
Civil Justice.

LXXXII. And for enforcing a prompt Observance of the Rules and Orders for the due Appropriation of the Public Funds applicable to Army Services, and in order that a true and regular Account may be kept and rendered by the Agents for the several Corps, be it enacted, That the said Agents are hereby required to observe such Orders as shall from Time to Time be given by Her Majesty under Her Sign Manual, or by the Secretary at War, or by Her Majesty's Chief Governor or Governors of *Ireland*, or by the Lord Treasurer or Commissioners of the Treasury; and if any Person, being or having been an Agent, shall refuse or neglect to comply with such Orders in relation to his Duty as Agent, or shall unlawfully withhold or detain the Pay of any Officer or Soldier after the

Penalty for
Disobedience
by Agents.

Space

Space of One Month after the Receipt thereof, he shall for the First Offence forfeit the Sum of One hundred Pounds, and, if still an Agent, for the Second Offence be discharged from his Employment as an Army Agent, and be utterly disabled to have or hold such Employment thereafter, or, if he shall have ceased to be an Army Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds.

Penalty on
trafficking in
Commissions.

LXXXIII. And be it enacted, That every Person, not being an authorized Army Agent, who shall negotiate or act as Agent for and in relation to the Purchase, Sale, or Exchange of any Commission in Her Majesty's Forces, shall forfeit for every such Offence the Sum of One hundred Pounds; and every Person, whether authorized or not as an Army Agent, who shall receive any Money or Reward in respect of any such Purchase, Sale, or Exchange, or shall negotiate or receive, for any Purpose whatsoever, any Money or Consideration where no Price is allowed by Her Majesty's Regulations, or any Money or Consideration exceeding the Amount so allowed, shall forfeit One hundred Pounds, and Treble the Value of the Consideration where the Commission is not allowed to be sold, or Treble the Excess of such Consideration beyond the regular Price.

Penalty for
procuring false
Musters.

LXXXIV. And be it enacted, That every Person not having any Military Commission who shall give or procure to be given any untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or who shall directly or indirectly cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, shall forfeit for every such Offence the Sum of Fifty Pounds; and any Person who shall falsely be mustered, or offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Oath made by Two Witnesses before some Justice of the Peace residing near the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged.

Penalty on
unlawful
recruiting.

LXXXV. And be it enacted, That all the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia, or *East India* Company's Service, or shall open or keep any House, Place of Rendezvous, or Office, or receive any Person therein under such Bill or Advertisement, as connected with the Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Adjutant General, or from the Directors of the *East India* Company, (as the Case may be,) shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty for
inducing Sol-
diers to desert.

LXXXVI. And be it enacted, That any Person who shall in any Part of Her Majesty's Dominions, by Words or by any other Means whatsoever, directly or indirectly procure any
Soldier

Soldier to desert, or shall by Words or by any other Means whatsoever attempt to procure or persuade any Soldier to desert, and any Person who, knowing that any Soldier is about to desert, shall aid or assist him in deserting, or, knowing any Soldier to be a Deserter, shall conceal such Deserter or aid or assist such Deserter in concealing himself, shall be deemed guilty of a Misdemeanor, and shall, on Conviction thereof, be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

LXXXVII. And be it enacted, That any Officer or Soldier who shall forcibly enter into or break open any Dwelling House or Outhouse, or shall give any Order under which any Dwelling House or Outhouse shall be forcibly entered into or broken open, without a Warrant from One or more Justices of the Peace, shall, on Conviction thereof before Two Justices of the Peace, forfeit a Sum not exceeding Twenty Pounds.

Penalty for forcible Entry in pursuit of Deserters.

LXXXVIII. And be it enacted, That if any Person shall convey or cause to be conveyed into any Military Prison appointed to be a public Prison under this Act any Arms, Tools, or Instruments, or any Mask or other Disguise, to facilitate the Escape of any Prisoner, or shall by any Means whatever aid and assist any Prisoner to escape or in attempting to escape from such Prison, whether an Escape be actually made or not, such Person shall be deemed guilty of Felony, and upon being convicted thereof shall be transported beyond the Seas for any Term not exceeding Fourteen Years; and if any Person shall bring or attempt to bring into such Prison, in contravention of the existing Rules, any spirituous or fermented Liquor, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds and not less than Ten Pounds, or to Imprisonment with or without hard Labour for any Time not exceeding Three Calendar Months; and if any Person shall bring into such Prison to or for any Prisoner, without the Knowledge of the Governor, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or other Articles not allowed by the Rules of the Prison to be in the Possession of a Prisoner, or shall throw into the said Prison any such Articles, or shall by Desire of any Prisoner, without the Sanction of the Governor, carry out of the Prison any of the Articles aforesaid, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to Imprisonment, either with or without hard Labour, for any Time not exceeding One Calendar Month; and if any Person shall assault or violently resist any Officer of such Prison in the Execution of his Duty, or shall aid or excite any Person so to assault or resist any such Officer, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to Imprisonment, either with or without hard Labour, for any Time not exceeding One Calendar Month, or if the Offender be a Soldier already under Sentence of Imprisonment he shall, upon Conviction thereof by a Board of not less than Three of the Visitors of the Prison, be liable to be sentenced for every such Offence to be imprisoned, either with or without hard Labour, for

Penalties on aiding Escape or Attempt to escape of Prisoners, and on Breach of Prison Regulations.

Certain Pro-
visions of Gaol
Acts to apply
to Military
Prisons.

for any Time not exceeding Six Calendar Months, in addition to so much of the Time for which he was originally sentenced as may then be unexpired; and all the Provisions of any Act or Acts of Parliament for the Regulation or better ordering of Gaols, Houses of Correction, or Prisons in *England* and *Wales* shall be deemed to apply to all Military Prisons, so far as any Provision relates to such Offences; and it shall be lawful for the Governor, Provost Marshal, Officer, or Servant of any Military Prison to use and exercise all the Powers and Authorities given by any such Act to the Gaoler, Keeper, or Turnkey of any Prison, or to his or their Assistants, to apprehend, or to cause Offenders to be apprehended, in order to their being taken before a Justice or Justices of the Peace; and all the Powers and Authorities given by such Act to any Justice or Justices of the Peace to convict Offenders in any of the above Cases, together with the Forms of Convictions contained in any such Act, shall be applicable to the like Offences when committed in respect of Military Prisons; and all the Provisions contained in any such Act relating to Suits and Actions prosecuted against any Person for any thing done in pursuance of such Act shall be deemed to apply to all Suits and Actions prosecuted against any Person acting in pursuance of such Act in respect of Military Prisons.

Penalty on
Keepers of
Prisons for
refusing to con-
fine, &c. Military
Offenders.

LXXXIX. And be it enacted, That any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement who shall refuse to receive and to confine or to discharge or deliver over any Military Offender in the Manner herein-before prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Penalty on pur-
chasing Soldiers
Necessaries,
Stores, &c.

XC. And be it enacted, That any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell, any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks, provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to Her Majesty's Service, or who shall have in his or her Possession or Keeping any such Arms, Ammunition, Clothes, Furniture, Provisions, Spirits, Articles, Necessaries, or Forage as aforesaid, and shall not give a satisfactory Account how he or she came by the same, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of
all

all or any of the several Articles of which such Offender shall have so become possessed, and shall in addition to such Forfeiture be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence a Copy of the Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction of the former Offence; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and if upon Search any such Property shall be found, the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law: Provided always, that it shall be lawful for the Legislature of each or of any of Her Majesty's Colonies, on the Recommendation of the Officer for the Time being administering the Government of any such Colony, but not otherwise, to make Provision by Law for reducing such pecuniary Penalty if not exceeding Twenty Pounds to such Amount as may to any such Legislature appear to be better adapted to the Ability and pecuniary Means of Her Majesty's Subjects and others inhabiting the same, which reduced Penalty shall be sued for and recovered in such and the same Manner as the full Penalty hereby imposed: Provided always, that it shall be competent to Her Majesty, or to the Person administering the Government of any such Colony on Her Majesty's Behalf, to exercise, in respect of the Laws so to be passed as aforesaid, all such Powers and Authorities as are by Law vested in Her Majesty or in any such Officer as aforesaid in respect of any other Law made or enacted by any such Colonial Legislature.

XCL. And be it enacted, That if any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Soldiers in any Part of the United Kingdom, shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier;

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officers or Soldiers in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall cause to be delivered defective Lists of the same; or if any Person liable by this Act to have any Officer or Soldier quartered upon him shall refuse to receive and to afford proper Accommodation or Diet in the House in which such Officer or Soldier is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled, or if any Toll Collector shall demand and receive Toll from any of Her Majesty's Officers or Soldiers, they being in proper Staff or Regimental or Military Uniform, Dress or Undress, or for their Horses, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or from any enrolled Pensioners in Uniform, when called out for Training or in aid of the Civil Power, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service under the Provisions of this Act, when conveying Persons or Baggage or returning therefrom, every such Constable, Victualler, Toll Keeper, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalties upon
the Military so
offending.

XCII. And be it enacted, That if any Military Officer shall take upon himself to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayors, Constables, or other Civil Officers, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or tending to induce any of them to do any thing contrary to their said Duty,

Duty, such Officer shall for every such Offence (being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses) be deemed and taken to be thereupon cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided that a Certificate thereof shall be transmitted by One of the said Justices to the Judge Advocate in *London*, who is hereby required to certify the same to the Commander in Chief and Secretary at War, and that the said Conviction be affirmed at some Quarter Sessions of the Peace of the said County held next after the Expiration of Three Months after such Certificate of the Justice shall have been transmitted as aforesaid; and if any Military Officer shall take, or knowingly suffer to be taken, any Money or Reward of any Person for excusing the quartering of Officers or Soldiers, or shall billet any of their Wives, Children, Men or Maid Servants of any Officer or Soldier in any House, against the Consent of the Occupier, he shall, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return home on the same Day if it be practicable, except in the Case of Emergency for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Soldier or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same can be done within reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, such Officer shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

XCIII. And for the better Preservation of Game and Fish in or near such Places where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish in the United Kingdom of *Great Britain* and *Ireland*, and upon Complaint thereof shall be, upon the Oath of One or more credible Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Penalty on
killing Game.

XCIV. And be it enacted, That any Action which shall be brought against any Person for any thing to be done in pursuance of this Act shall be brought within Six Months, and it shall be lawful for every such Person to plead thereunto the General Issue of Not Guilty, and to give all special Matter in Evidence to the Jury which shall try the Issue; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited, or suffer any Discontinuance thereof,

Form of
Actions at Law.

thereof, or if in *Scotland* such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants; and every Action against any Person for any thing to be done in pursuance of this Act, or against any Member or Minister of a Court-martial in respect of any Sentence of such Court, or of any thing done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

Recovery of
Penalties.

3 G. 4. c. 23.

5 G. 4. c. 18.

XCV. And be it enacted, That all Offences for which any Penalties and Forfeitures are by this Act imposed, not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom by One or more Justice or Justices of the Peace, under the Provisions of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to facilitate summary Proceedings before Justices of the Peace and others*, and of another Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, for facilitating the Execution of Warrants by Constables*: Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Months; which said recited Acts shall be used and applied in *Scotland*, for the Recovery of all such Penalties and Forfeitures, as fully to all Intents as if the said recited Acts had extended to *Scotland*, any thing in the said recited Acts to the contrary notwithstanding; and all such Offences committed in the *British* Isles, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Sessions in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British* Isles, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

Appropriation
of Penalties.

XCVI. And be it enacted, That One Moiety of every Penalty, not including any Treble Value of any Articles adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same, and the
Remainder

Remainder of the Penalty, together with the Treble Value of any Articles, or, where the Offence shall be proved by the Person who shall inform, the whole of the Penalty shall be paid to the General Agent for the Recruiting Service in London, to be at the Disposal of the Secretary at War, any thing in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations* 5 & 6 W. 4. c. 76. in England and Wales, or in any other Act or Acts, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days at the farthest, report the same to the Secretary at War.

XCVII. And be it enacted, That any Justice in the United Kingdom within whose Jurisdiction any Soldier in the Regular Army, or on the permanent Staff of the Militia, having a Wife or Child, shall be billeted, may summon such Soldier before him in the Place where he is billeted, (which Summons he is hereby directed to obey,) and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement in *England*, and such Justice shall give an attested Copy of such Examination to the Person examined, to be by him delivered to his commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such last legal Settlement before any Justice or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom; provided that in case any Soldier shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy thereof being produced by him or by any other Person on his Behalf, such Soldier shall not be obliged to take any other Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

Mode of recording a Soldier's Settlement.

XCVIII. And be it enacted, That when any Person shall hold any Canteen under proper Authority of the Board of Ordnance, it shall be lawful for any Two Justices within their respective Jurisdictions to grant or transfer any Beer, Wine, or Spirit Licence to such Persons, without regard to Time of Year or to the Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise, or their proper Officers, within their respective Districts, shall also grant such Licences as aforesaid; and such Persons so holding Canteens, and having such Licences, may sell therein Victuals and Exciseable Liquors, as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture.

Licences of Canteens.

XCIX. And be it enacted, That all Muster Rolls and Pay Lists which are required to be verified by Declaration shall be so verified before and attested by any Justice without Fee or Reward to himself or to his Clerk.

Attestation of Accounts.

C. And be it enacted, That all Commissaries upon making up their Accounts, and also upon returning from any Foreign Service, shall make the Declaration described in the Schedule

Commissaries to attest their Accounts.

to this Act annexed; which Declaration, if made in any Part of the United Kingdom, shall be made before some Justice, and if made on Foreign Service, before the Officer commanding in chief, or the Second in Command, or the Quarter Master or Deputy Quarter Master General or any Assistant Quarter Master General of the Army to which he shall be attached, who shall respectively have Power to administer and receive the same.

Administration
of Oaths.

Perjury.

Offences
against former
Mutiny Acts
and Articles of
War.

Duration of
the Act.

CI. And be it enacted, That all Oaths and Declarations which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or Magistrate acting as such; and that any Person taking a false Oath or Declaration in any Case wherein an Oath or Declaration is required to be taken by this Act shall be deemed guilty of wilful and corrupt Perjury, or of making a false Declaration, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Laws in force any Persons convicted of wilful and corrupt Perjury are subject and liable to.

CII. And be it enacted, That all Crimes and Offences which have been committed against any former Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be tried and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force, and all Proceedings of Courts-martial convened and held under any such Warrant shall be continued notwithstanding the Expiration of such Act; provided that no Person shall be liable to be tried or punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

CIII. And be it enacted, That this Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and forty-eight inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and forty-nine, and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and forty-eight inclusive until the First Day of *May* One thousand eight hundred and forty-nine; and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and forty-eight inclusive until the First Day of *August* One thousand eight hundred and forty-nine; and shall be and

continue

continue in force in all other Parts of *Europe* where Her Majesty's Forces may be serving, and in the *West Indies* and *America*, from the First Day of *September* One thousand eight hundred and forty-eight inclusive to the First Day of *September* One thousand eight hundred and forty-nine; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *Saint Helena*, and the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and forty-nine inclusive until the First Day of *January* One thousand eight hundred and fifty; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and fifty inclusive until the First Day of *February* One thousand eight hundred and fifty-one: Provided always, that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of Her Majesty's Dominions beyond the Seas, become and be in full Force, any thing herein stated to the contrary notwithstanding.

CIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Alteration of the Act.

SCHEDULES referred to by the foregoing Act.

FORM of OATHS to be taken by MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you.

So help you GOD.

I do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved; neither will I, upon any account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in due Course of Law.

So help me GOD.

FORM of OATH of a JUDGE ADVOCATE.

I do swear, That I will not, upon any account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required

to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved.
So help me GOD.

QUESTIONS to be put separately by the JUSTICE to a RECRUIT
ON ENLISTING.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Regiment of _____ for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?
9. At what Place, on what Day, at what Hour of the Day, and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Have you any Objection to make to the Manner of your Enlistment?
12. Do you now belong to the Militia?
13. Do you belong to any other Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?
14. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company?
15. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

Note.—The Justice is directed, in putting the Twelfth Question to the Recruit, and before he receives his Answer, distinctly to apprise the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

Enlisting for Service in Her Majesty's Colonies.

Question 8. is to be put by the Justice as follows :

8. Are you willing to be attested to serve in Her Majesty's Colony of _____ for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards ; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station ?

Enlisting for either Her Majesty's or the East India Company's Service.

Question 8. is to be put by the Justice as follows :

8. Are you willing to be attested to serve in Her Majesty's Army, or in the Forces of the East India Company, according as Her Majesty shall think fit to order, for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards ; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided your Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station ?

Enlisting for the East India Company's Service.

Question 8. to be put by the Justice as follows :

8. Are you willing to be attested to serve the East India Company * _____ for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards ; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided the said Company should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station ?

* The Blank to be filled up with the Words Infantry or Artillery, as the Case may be.

OATH to be taken by a RECRUIT on ATTESTATION.

I do make Oath, That the above Questions have been separately put to me; that the Answers thereto have been read over to me; and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me. So help me GOD.

Witness my Hand,

Signature of Recruit.

Witness present.

Sworn before me at this
Day of One thousand eight
hundred and
at o'Clock. }

Signature of Justice.

If enlisting for either Her Majesty's or the East India Company's Service, the following Addition is to be made to the foregoing Oath:

And that if Her Majesty, Her Heirs or Successors, shall please to appoint me to serve in the Forces of the East India Company, then I swear that I will also be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

If enlisting for the East India Company's Service, the following is to be added to the Oath:

And that I also will be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

CERTIFICATE to be given by the JUSTICE.

to wit. } **I** One of Her Majesty's Justices of the
Peace of do hereby certify, That in
my Presence all the foregoing Questions were put to ;
that the Answers written opposite to them are those which he
gave to me; and that the Fortieth and Forty-sixth Articles of
the Articles of War were read over to him; that he took the
Oath of Allegiance and Fidelity; that he received the Sum
of on being attested this Day; that he was
not attested until Twenty-four Hours had elapsed after he
received Enlisting Money; that the Place where he swears
that

that he enlisted is in the Vicinity of my Residence, or within the Division or District or Place for which I act; that I am not an Officer of the Army, and that I have given him a Duplicate of this Certificate, signed with my Name.

Signature of Justice.

DECLARATION to be made by a SOLDIER renewing his Service.

I _____ Number _____ do declare, That I
am at present (or was, as the Case may be,) _____ in
Captain _____ Company in the _____ Regiment; that I
enlisted on the _____ Day of _____ for a Term
of _____ Years; that I am of the Age of _____
Years; and that I will serve Her Majesty, Her Heirs and Suc-
cessors, [or in the Forces of the East India Company, as the
Case may be,] for a further Term of _____ Years [to
be filled up with Eleven Years in the Infantry, and Twelve in
the Cavalry or Artillery or other Ordnance Corps, and, in the
Case of a Soldier about to embark for Foreign Service, with such
Number of Years as shall be required to complete a total Service
of Twenty-one Years in the Infantry or Twenty-four in the
Cavalry or Artillery or other Ordnance Corps,] provided my
Services should so long be required, and also for such further
Term, not exceeding Two Years, as shall be directed by the
Commanding Officer on any Foreign Station.

Declared before me _____

Signature of Soldier.

Signature of Witness.

FORM of OATH to be taken by a MASTER whose APPRENTICE
has absconded.

I _____ of _____ do make Oath, That I am
by Trade a _____, and that _____ was
bound to serve as an Apprentice to me in the said Trade, by
Indenture dated the _____ Day of _____ for the
Term of _____ Years; and that the said _____ did
on or about the _____ Day of _____ abscond
and quit my Service without my Consent; and that to the best
of my Knowledge and Belief the said _____ is aged
about _____ Years. Witness my Hand at _____ the
Day of _____ One thousand eight hundred and _____
Sworn before me at _____ this _____
Day of _____ One thousand eight _____
hundred and _____

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER
of an Apprentice.

to wit. } I One of Her Majesty's Justices of
the Peace of certify, That
of came before me at the
Day of One thousand eight hundred and
and made Oath that he was by Trade a , and
that was bound to serve as an Apprentice to
him in the said Trade, by Indenture dated the
Day of for the Term of Years;
and that the said Apprentice did on or about the
Day of abscond and quit the Service of the said
without his Consent, and that to the best of his Knowledge and
Belief the said Apprentice is aged about Years.

FORM of DECLARATION of ATTESTATION of a COMMISSARY'S
ACCOUNTS.

I do solemnly and sincerely declare,
That I have not applied any Monies or Stores or Supplies
under my Care or Distribution to my own Use, or to the
private Use of any other Person by way of Loan to such
Person or otherwise, or in any Manner applied them, or know-
ingly permitted them to be applied, to any other than public
Purposes, according to the Duty of my Office; and I make this
solemn Declaration conscientiously believing the same to be
true, and by virtue of the Provisions of an Act passed in the
Fifth and Sixth Years of the Reign of His Majesty King
William the Fourth, Chapter 62, for the Abolition of unne-
cessary Oaths, and for substituting Declarations in lieu thereof.

Declared before me by the within-named }
this Day of }

*Justice of the Peace of , or Com-
mander in Chief or Second in Command,
et cætera, the Army serving in
et cætera [as the Case may be].*

No.

DESCRIPTION RETURN of

at on the

Deserter from the

committed to Confinement

Day of

Regiment of

as a

Age	-	-	-	-	
Height	-	-	-	-	Feet. Inches.
Complexion	-	-	-	-	
Hair	-	-	-	-	
Eyes	-	-	-	-	
Marks	-	-	-	-	
Probable Date of Enlistment, and where	-	-	-	-	
Probable Date of Desertion, and from what Place	-	-	-	-	
Name and Occupation and Address of the Person by whom apprehended	-	-	-	-	
Particulars in the Evidence on which the Prisoner is committed	-	-	-	-	
Whether the Prisoner was apprehended or voluntarily surrendered himself as a Deserter	-	-	-	-	
Whether the Prisoner confessed before the Magistrate that he is a Deserter	-	-	-	-	

• It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate, in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he † a Deserter from the above-mentioned Corps.

Signature and Address of Magistrate.

Signature of Prisoner.

Signature of Informant.

† Insert "is" or "is not," as the Case may be.

I certify that I have inspected the Prisoner, and consider him ‡ for Military Service.

Signature of Military Medical Officer, or of Private Medical Practitioner.

‡ Insert "fit" or "unfit," as the Case may be; and if unfit, state the Cause of Unfitness.

CAP. XII.

An Act for the better Security of the Crown and Government of the United Kingdom. [22d April 1848.]

36 G. 3. c. 7.

‘ WHEREAS by an Act of the Parliament of *Great Britain*
 ‘ passed in the Thirty-sixth Year of the Reign of His late
 ‘ Majesty King *George* the Third, intituled *An Act for the*
 ‘ *Safety and Preservation of His Majesty’s Person and Govern-*
 ‘ *ment against treasonable and seditious Practices and Attempts*, it
 ‘ was among other things enacted, that if any Person or Persons
 ‘ whatsoever, after the Day of the passing of that Act, during
 ‘ the natural Life of His said Majesty, and until the End of the
 ‘ next Session of Parliament after the Demise of the Crown,
 ‘ should, within the Realm or without, compass, imagine, invent,
 ‘ devise, or intend Death or Destruction, or any bodily Harm
 ‘ tending to Death or Destruction, Maim or Wounding, Imprisonment or Restraint of the Person of His said Majesty, His
 ‘ Heirs or Successors, or to deprive or depose Him or Them
 ‘ from the Style, Honour, or Kingly Name of the Imperial
 ‘ Crown of this Realm or of any other of His said Majesty’s
 ‘ Dominions or Countries, or to levy War against His said Majesty, His Heirs and Successors, within this Realm, in order,
 ‘ by Force or Constraint, to compel Him or Them to change
 ‘ His or Their Measures or Counsels, or in order to put any
 ‘ Force or Constraint upon or to intimidate or overawe both
 ‘ Houses or either House of Parliament, or to move or stir any
 ‘ Foreigner or Stranger with Force to invade this Realm or any
 ‘ other of His said Majesty’s Dominions or Countries under the
 ‘ Obeisance of His said Majesty, His Heirs and Successors, and
 ‘ such Compassings, Imaginations, Inventions, Devices, or Intentions, or any of them, should express, utter, or declare, by
 ‘ publishing any Printing or Writing, or by any overt Act or
 ‘ Deed, being legally convicted thereof, upon the Oaths of Two
 ‘ lawful and credible Witnesses, upon Trial, or otherwise convicted or attainted by due Course of Law, then every such
 ‘ Person or Persons so as aforesaid offending should be deemed,
 ‘ declared, and adjudged to be a Traitor and Traitors, and should
 ‘ suffer Pains of Death, and also lose and forfeit as in Cases of
 ‘ High Treason: And whereas by an Act of Parliament passed
 ‘ in the Fifty-seventh Year of the same Reign, intituled *An Act*
 ‘ *to make perpetual certain Parts of an Act of the Thirty-sixth*
 ‘ *Year of His present Majesty, for the Safety and Preservation*
 ‘ *of His Majesty’s Person and Government against treasonable*
 ‘ *and seditious Practices and Attempts, and for the Safety and*
 ‘ *Preservation of the Person of His Royal Highness the Prince*
 ‘ *Regent against treasonable Practices and Attempts*, all the
 ‘ herein-before recited Provisions of the said Act of the Thirty-sixth Year of His said Majesty’s Reign which relate to the
 ‘ Heirs and Successors of His said Majesty, the Sovereigns of
 ‘ these Realms, were made perpetual: And whereas Doubts are
 ‘ entertained whether the Provisions so made perpetual were by
 ‘ the

57 G. 3. c. 6.

‘ the last-recited Act extended to *Ireland*: And whereas it is
 ‘ expedient to repeal all such of the Provisions made perpetual by
 ‘ the last-recited Act as do not relate to Offences against the
 ‘ Person of the Sovereign, and to enact other Provisions instead
 ‘ thereof applicable to all Parts of the United Kingdom, and to
 ‘ extend to *Ireland* such of the Provisions of the said Acts as are
 ‘ not hereby repealed:’ Be it therefore enacted by the Queen’s
 most Excellent Majesty, by and with the Advice and Consent of
 the Lords Spiritual and Temporal, and Commons, in this present
 Parliament assembled, and by the Authority of the same, That
 from and after the passing of this Act the Provisions of the said
 Act of the Thirty-sixth Year of the Reign of King *George* the
 Third, made perpetual by the said Act of the Fifty-seventh Year
 of the same Reign, and all the Provisions of the last-mentioned
 Act in relation thereto, save such of the same respectively as
 relate to the compassing, imagining, inventing, devising, or
 intending Death or Destruction, or any bodily Harm tending
 to Death or Destruction, Maim or Wounding, Imprisonment or
 Restraint of the Person of the Heirs and Successors of His said
 Majesty King *George* the Third, and the expressing, uttering, or
 declaring of such Compassings, Imaginations, Inventions, De-
 vices, or Intentions, or any of them, shall be and the same are
 hereby repealed.

After passing
 of this Act,
 Provisions of
 36 G. 3. c. 7.
 and 57 G. 3. c. 6.
 repealed, except
 as to Offences
 against the
 Person of the
 Sovereign.

II. And be it declared and enacted, That such of the said
 recited Provisions made perpetual by the said Act of the Fifty-
 seventh Year of the Reign of King *George* the Third as are not
 hereby repealed shall extend to and be in force in that Part of
 the United Kingdom called *Ireland*.

So much of
 36 G. 3. c. 7.,
 made perpetual
 by 57 G. 3. c. 6.,
 as is not re-
 pealed, extended
 to *Ireland*.

III. And be it enacted, That if any Person whatsoever after
 the passing of this Act shall, within the United Kingdom or
 without, compass, imagine, invent, devise, or intend to deprive
 or depose our most Gracious Lady the Queen, Her Heirs or
 Successors, from the Style, Honour, or Royal Name of the Im-
 perial Crown of the United Kingdom, or of any other of Her
 Majesty’s Dominions and Countries, or to levy War against Her
 Majesty, Her Heirs or Successors, within any Part of the
 United Kingdom, in order by Force or Constraint to compel
 Her or Them to change Her or Their Measures or Counsels,
 or in order to put any Force or Constraint upon or in order to
 intimidate or overawe both Houses or either House of Parlia-
 ment, or to move or stir any Foreigner or Stranger with Force
 to invade the United Kingdom or any other Her Majesty’s
 Dominions or Countries under the Obeisance of Her Majesty,
 Her Heirs or Successors, and such Compassings, Imaginations,
 Inventions, Devices, or Intentions, or any of them, shall express,
 utter, or declare, by publishing any Printing or Writing, or by
 open and advised Speaking, or by any overt Act or Deed, every
 Person so offending shall be guilty of Felony, and being convicted
 thereof shall be liable, at the Discretion of the Court, to be
 transported beyond the Seas for the Term of his or her natural
 Life, or for any Term not less than Seven Years, or to be im-
 prisoned

Offences de-
 clared Felonies
 by this Act to
 be punishable
 by Transporta-
 tion or Impri-
 sonment.

Time within which Prosecution shall be commenced, Warrant issued, &c.

prisoned for any Term not exceeding Two Years, with or without hard Labour, as the Court shall direct.

IV. Provided always, and be it enacted, That no Person shall be prosecuted for any Felony by virtue of this Act in respect of such Compassings, Imaginations, Inventions, Devices, or Intentions as aforesaid, in so far as the same are expressed, uttered, or declared by open and advised Speaking only, unless Information of such Compassings, Imaginations, Inventions, Devices, and Intentions, and of the Words by which the same were expressed, uttered, or declared, shall be given upon Oath to One or more Justice or Justices of the Peace, or to any Sheriff or Steward, or Sheriff Substitute or Steward Substitute, in *Scotland*, within Six Days after such Words shall have been spoken, and unless a Warrant for the Apprehension of the Person by whom such Words shall have been spoken shall be issued within Ten Days next after such Information shall have been given as aforesaid, and unless such Warrant shall be issued within Two Years next after the passing of this Act; and that no Person shall be convicted of any such Compassings, Imaginations, Inventions, Devices, or Intentions as aforesaid, in so far as the same are expressed, uttered, or declared by open or advised Speaking as aforesaid, except upon his own Confession in open Court, or unless the Words so spoken shall be proved by Two credible Witnesses.

In Indictments more than One overt Act may be charged.

V. And be it enacted, That it shall be lawful, in any Indictment for any Felony under this Act, to charge against the Offender any Number of the Matters, Acts, or Deeds by which such Compassings, Imaginations, Inventions, Devices, or Intentions as aforesaid, or any of them, shall have been expressed, uttered, or declared.

Nothing herein to affect Provisions of 25 Edw. 3. c. 2.

VI. Provided always, and be it enacted, That nothing herein contained shall lessen the Force of or in any Manner affect any thing enacted by the Statute passed in the Twenty-fifth Year of King *Edward* the Third, *A Declaration which Offences shall be adjudged Treason*.

Indictments for Felony under this Act valid, though the Facts may amount to Treason.

VII. Provided also, and be it enacted, That if the Facts or Matters alleged in an Indictment for any Felony under this Act shall amount in Law to Treason, such Indictment shall not by reason thereof be deemed void, erroneous, or defective; and if the Facts or Matters proved on the Trial of any Person indicted for any Felony under this Act shall amount in Law to Treason, such Person shall not by reason thereof be entitled to be acquitted of such Felony; but no Person tried for such Felony shall be afterwards prosecuted for Treason upon the same Facts.

As to the Punishment of Accessories before and after the Fact.

VIII. And be it enacted, That in the Case of every Felony punishable under this Act, every Principal in the Second Degree and every Accessary before the Fact shall be punishable in the same Manner as the Principal in the First Degree is by this Act punishable; and every Accessary after the Fact to any such Felony shall on Conviction be liable to be imprisoned, with or without hard Labour, for any Term not exceeding Two Years.

IX. Pro-

IX. Provided always, and be it enacted, That no Person committed for Trial in *Scotland* for any Offence under this Act shall be entitled to insist on Liberation on Bail, unless with Consent of the public Prosecutor, or by Warrant of the High Court or Circuit Court of Justiciary, in such and the like Manner and to the same Effect as is provided by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act to provide that Persons accused of Forgery in Scotland shall not be entitled to Bail, unless in certain Cases*; but the Trial of any Person so committed, and whether liberated on Bail or not, shall in all Cases be proceeded with and brought to a Conclusion under the like Certification and Conditions as if Intimation to fix a Diet for Trial had been made to the public Prosecutor in Terms of an Act passed in the *Scottish* Parliament in the Year One thousand seven hundred and one, intituled *An Act for preventing wrongous Imprisonment, and against undue Delays in Trials*.

Felonies under this Act in Scotland not bailable, except as provided by 5 & 6 W. 4. c. 73.

Trial to take place in Terms of Act of *Scottish* Parliament of 1701.

X. And be it enacted, That it shall not be lawful for any Court before which any Person shall be prosecuted or tried for any Felony under this Act to order Payment to the Prosecutor or the Witnesses of any Costs which shall be incurred in preferring or prosecuting any such Indictment.

No Costs allowed in Prosecutions under this Act.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

Act may be amended, &c.

CAP. XIII.

An Act for amending the Law for the leasing of Mines in *Ireland*. [22d April 1848.]

‘ WHEREAS by an Act passed in the Parliament of *Ireland*
 ‘ in the Tenth Year of the Reign of His Majesty King
 ‘ *George* the First, intituled *An Act for the further Encourage-*
 ‘ *ment of finding and working Mines and Minerals within this*
 ‘ *Kingdom*, it is amongst other things enacted, that it shall be
 ‘ lawful to and for all Archbishops and Bishops, Deans, Deans
 ‘ and Chapters, Archdeacons, Prebendaries, and other Digni-
 ‘ taries Ecclesiastical, Parsons, Rectors, Vicars, and to and for
 ‘ all Bodies Politic and Corporate, Colleges, Cathedral or Col-
 ‘ legiate Churches, and Hospitals, and to and for all and every
 ‘ Person or Persons whatsoever who now are or at any Time
 ‘ hereafter shall be Tenant or Tenants for Life, with an imme-
 ‘ diate Remainder to his or her First and every other Son in
 ‘ Tail Male, and also to and for all and every Person and
 ‘ Persons who now are or at any Time hereafter shall be Tenant
 ‘ in Dower or by Courtesy, by and with the Consent and Con-
 ‘ currence of such Person and Persons as shall be seised in
 ‘ reversion or remainder of an Estate of Inheritance of and in any
 ‘ Mines therein-after mentioned, immediately expectant upon
 ‘ the Death of such Tenant in Dower or by the Courtesy, or
 ‘ in case of the Nonage, Idiocy, or the Lunacy of such Person

10 G. 1. (1.)

15 G. 2. (1.)

23 G. 2. (L)

46 G. 3. c. 71.

' so seised in reversion or remainder, then with and by the
 ' Consent of the Guardian or Guardians of such Minor, or the
 ' Committee of such Idiot or Lunatic, by and with the Appro-
 ' bation of the Lord Chancellor, Lord Keeper or Commissioners
 ' of the Great Seal of this Kingdom, for the Time being, in the
 ' said Cases of Nonage, Idiocy, or Lunacy, by Indentures
 ' under their respective Hands and Seals, whereof Counterparts
 ' are to be duly executed by the respective Lessees, to make and
 ' grant Leases, not exceeding the Term of Thirty-one Years, of
 ' all Mines and Minerals whatsoever which are already found or
 ' shall or may hereafter be found and discovered within their
 ' respective Manors, Glebes, or Lands, so as the same be made
 ' to commence in possession, without any Fine or Income, or
 ' any other Consideration than the yearly Rent in such Lease or
 ' Leases reserved and mentioned, and so as the most improved
 ' Rent that can be reasonably gotten for the same be reserved
 ' upon every such Lease, and that such Rent be not less in
 ' Value than One Tenth Part or Share of the Ore to be dug
 ' and raised out of such Mines or Minerals, without any Regard
 ' had to the Charges and Expenses in digging, raising, and
 ' laying the same on the Bank, and so as such Rent shall be
 ' reserved and made payable in and by such Leases to such
 ' Lessor or Lessors or such other Person and Persons as should
 ' from Time to Time during the Continuance of such Lease have
 ' been actually entitled by the Laws of this Kingdom to the
 ' Benefit of such Mines and Minerals in case this Act had not
 ' been made: And whereas by an Act passed in the Parliament
 ' of *Ireland* in the Fifteenth Year of the Reign of King *George*
 ' the Second, intituled *An Act for explaining and amending an*
 ' *Act, intituled 'An Act for the further Encouragement of finding*
 ' *'and working Mines and Minerals in this Kingdom,'* the Pro-
 ' visions of the said Act of the Tenth Year of the Reign of
 ' King *George* the First were extended to Coal Mines: And
 ' whereas by an Act passed in the Parliament of *Ireland* in
 ' the Twenty-third Year of the Reign of King *George* the
 ' Second, intituled *An Act for explaining and amending an Act,*
 ' *intituled 'An Act for the further Encouragement of finding and*
 ' *'working Mines and Minerals within this Kingdom,'* the Pro-
 ' visions of the said recited Act of the Tenth Year of the
 ' Reign of King *George* the First are further extended, and the
 ' Persons and Parties therein mentioned are empowered to make
 ' Leases of Coal Mines for any Term or Number of Years not
 ' exceeding Forty-one Years, in possession, and not in rever-
 ' sion, at any Rent or Rents not less than Two-pence for every
 ' Ton of Coals which shall be raised and laid upon the Bank,
 ' without Fine or Income or any other Consideration than the
 ' yearly Rent reserved: And whereas certain of the said Acts
 ' were further amended by an Act of the Forty-sixth Year of
 ' the Reign of King *George* the Third, intituled *An Act to*
 ' *amend several Acts for the Encouragement of finding and work-*
 ' *ing Mines and Minerals within Ireland;* and it is expedient fur-
 ' ther to amend the Provisions of the said Acts, in relation to
 ' the

‘ the Duration of the Term and to the Rent to be reserved on ‘ Leases therein provided for:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much of the said recited Act of the Tenth Year of King *George* the First, and of the said recited Acts amending the same, as limits the Term of such Leases to Thirty-one Years, and as requires that the Rent reserved upon such Lease or Leases be not less in Value than One Tenth Part or Share of the Ore to be dug and raised out of such Mines or Minerals, without any Regard to the Charges and Expenses in digging and raising and laying the same on the Bank, and also so much of the said recited Act of the Twenty-third Year of King *George* the Second, or of any Act amending the same, as provides that the Rent or Rents reserved in any such Leases of Coal Mines as in the said Act mentioned shall not be less than Two-pence for every Ton of Coals which shall be raised and laid upon the Bank, shall be and the same is and are hereby repealed; and that it shall be lawful for all and every the respective Person or Persons, Bodies Politic or Corporate, empowered to make Leases by the said recited Acts respectively, or by any of them, and they and every of them are hereby empowered, in like Manner as in the said Acts respectively mentioned, to make and grant for any Term of Years not exceeding Forty-one Years any such Lease or Leases as is or are authorized by the said recited Acts or any of them to be made for a Term not exceeding Thirty-one Years, or any Term therein mentioned, so as every such Lease be made to commence in possession, without any Fine or Foregift or any other Consideration than the yearly Rent or other Return in the Nature of Rent in such Lease or Leases reserved and mentioned, and so as the best and most improved Rent or other Return in the Nature of Rent, whether in Money or in Kind, that can be reasonably gotten for the same, be reserved upon every such Lease, and so as such Rent or Return in the Nature of Rent shall be reserved and made payable in and by every such Lease to such Lessor or Lessors, or such other Person and Persons as should from Time to Time during the Continuance of such Lease have been actually entitled by Law to the Benefit of such Mines and Minerals in case the said recited Acts and this Act had not been passed, and so as in every such Lease there be contained a Condition for Re-entry on Nonpayment of the Rent or Return in the Nature of Rent to be thereby reserved, and so as every such Lessee do execute a Counterpart of his Lease; and the several Clauses and Provisions of the said recited Acts now in force, and not hereby altered or repealed, shall, so far as the same are respectively applicable, and not repugnant to this Act, be construed to extend to such Leases as are hereby authorized.

So much of the recited Acts as specifies a minimum Rent upon Leases of Mines, or limits the Term of such Leases to Thirty-one Years, repealed; and Leases of Mines authorized by the said Acts may be made for Forty-one Years, so as the best improved Rent that can be reasonably gotten be reserved, &c.

II. And be it enacted, That it shall be lawful for any Trustee or Trustees, Feoffee or Feoffees, for any charitable or other

Trustees, &c. of any Freehold Estate in

If Constable has served in different Ranks, Rate of Superannuation to be regulated accordingly.

No Constable to be superannuated under 50, unless unfit for Service.

Cases in which Superannuation may be ordered by the Watch Committee, upon Certificate of the Police Surgeon.

Constables dismissed or retiring to forfeit all Claim, but if restored may have Time of former Service allowed.

Monies paid to Superannuation Fund to be employed in aid of Borough Fund, which shall be answerable for the Amount, with Interest.

Pension equal to Two Thirds of his full Pay; but if he shall then be able and willing still to serve as a Police Constable, and the Watch Committee shall consent thereto, he shall then receive his Full Pay as a Constable from the Borough Fund, and also One Third Part, and no more, of the said last-named Allowance from the Superannuation Fund; and if at any Time any Police Constable so entitled to a retiring Pension, but receiving a reduced Pension, while continuing to serve as a Constable, shall retire from the Police Force, he shall thenceforth receive the full Pension he would have been entitled to receive had he not continued so to serve: Provided always, that if any Police Constable who shall have served the necessary Period before Superannuation shall have so served in different Ranks or Capacities, his Superannuation Allowance shall be granted to him for a like Number of Years respectively in which he served in such several Ranks or Capacities, according to the Rate of Pay of each of the said several Ranks or Capacities.

III. And be it enacted, That no Police Constable shall be entitled to be superannuated who is under Fifty Years of Age, unless he be reported, in Writing, by the Surgeon to the Police Force, to be unfit for further Service in the Force from Infirmary of Body or Mind.

IV. And be it enacted, That if any Party shall have served with Diligence and Fidelity in the Police Force for Ten Years successively, and from Injury received in the Service, or from Infirmary of Mind or Body, shall become incapable of discharging the Duties of his Office, and such last-named Circumstance shall be certified by the Police Surgeon for the Time being, thereupon it shall be lawful for the Watch Committee to order such Constable to be superannuated, and to receive out of the Police Superannuation Fund any Superannuation Allowance which such Watch Committee shall see fit to order, not exceeding Half his full Pay as before mentioned.

V. And be it enacted, That nothing herein contained shall be construed so as to prevent the Dismissal of any Police Constable, who shall thereupon, or upon his retiring from the said Police Force, forfeit all Claim upon the Superannuation Fund; but if restored to the said Police Force, the Watch Committee may, if it see fit, at any Time make an Order enabling him to have the Time of his former Service reckoned in as Time served in respect of Superannuation, and thereupon it shall be so reckoned accordingly.

VI. And be it enacted, That, until the Town Council of such Borough shall otherwise direct, the Monies belonging to such Superannuation Fund shall be paid over to the Treasurer of the Borough, and employed in aid of the Borough Fund, and such Borough Fund shall be liable and answerable for the Amount thereof and of every Part thereof, when and as the same shall become liable under the Provisions hereof, and for all Accumulations and Interest thereon, after the yearly Rate of Five Pounds in the Hundred Pounds; and a separate Account

Account shall nevertheless continue to be kept and audited, and a Debtor and Creditor Account kept, of all Receipts and Payments made as between the Borough Fund and Police Superannuation Fund: Provided always, that it shall be lawful for the Town Council to order the same or any Part thereof to be invested in Government Stock or Real Security in the Name of "The Treasurer of the Borough of [here insert the Name of the Borough] for the Time being;" and immediately upon such Investment, so long as the same shall remain so invested, the Borough Fund shall cease to be liable for the Monies so invested, or any Interest thereon, but the Dividends on such Stock shall from Time to Time be received by such Treasurer, and shall be by him carried to the Credit of such Superannuation Fund; and it shall be lawful for the said Council at any Time to order the said Treasurer to resell such Funds, and place the Produce thereof again in the Borough Fund, subject to the like Rules as before mentioned.

Power to Town Council to invest Monies in Government Securities;

and also to resell and replace the same in Borough Fund.

VII. And be it enacted, That it shall be lawful for the Town Council of any Borough, if it see fit, to declare that any Superannuation Fund heretofore established in the Police Force of such Borough shall, after the passing of this Act, be deemed to be, and the same shall thereupon be, a Superannuation Fund under this Act, and shall thereafter be in all respects regulated according to the Provisions hereof.

Provisions of this Act, if Town Council see fit, to apply to existing Superannuation Funds.

VIII. And be it enacted, That in case the Superannuation Fund shall become exhausted, it shall be lawful for the Town Council, if it see fit, to cause Money to be advanced on account thereof out of the Borough Fund by the Treasurer, who shall thereupon receive the Funds coming to such Superannuation Fund from Time to Time on account of the Borough Fund, till such Advances shall have been paid off; but if the Town Council shall decline to make any such Advance, then the respective Payments to all Parties entitled to Superannuation from the said Fund shall be reduced *pro ratâ*, during such Time as the said Fund shall be insufficient to pay the whole of the Superannuation chargeable thereon in full; but the Amount of such Reductions shall nevertheless be a Charge on the said Fund, payable whenever afterwards the said Fund shall be capable of paying the total Amount thereof to all the said Parties whose Superannuations shall have been so reduced.

If Fund shall be exhausted, Town Council may advance Money on account thereof;

but if Town Council decline to advance, Superannuation Payments to be reduced *pro ratâ*.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

CAP. XV.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. [22d April 1848.]

· **WHEREAS** it is judged necessary for the Safety of the
· United Kingdom, and the Defence of the Possessions of
· this Realm, that a Body of Royal Marine Forces should be
H 3 ' employed

Lord High
Admiral, &c.
may make Ar-
ticles for the
Punishment of
Mutiny, De-
sertion, &c.

‘ employed in Her Majesty’s Fleet and Naval Service, under
 ‘ the Direction of the Lord High Admiral of the United King-
 ‘ dom, or the Commissioners for executing the Office of Lord
 ‘ High Admiral aforesaid: And whereas the said Forces may
 ‘ frequently be quartered or be on shore, or sent to do Duty or
 ‘ be on board Transport Ships or Merchants Ships or Vessels,
 ‘ or Ships or Vessels of Her Majesty, or other Ships or Vessels,
 ‘ or they may be under other Circumstances in which they will
 ‘ not be subject to the Laws relating to the Government of
 ‘ Her Majesty’s Forces by Sea: And whereas no Man can be
 ‘ forejudged of Life or Limb, or subjected in Time of Peace to
 ‘ any Kind of Punishment within this Realm by Martial Law,
 ‘ or in any other Manner than by the Judgment of his Peers,
 ‘ and according to the known and established Laws of this
 ‘ Realm; yet nevertheless it being requisite for the retaining
 ‘ of such Forces in their Duty that an exact Discipline be
 ‘ observed, and that Marines who shall mutiny or stir up Sedi-
 ‘ tion, or shall desert Her Majesty’s Service, or be guilty of any
 ‘ other Crime in breach of good Order and Discipline, be
 ‘ brought to a more exemplary and speedy Punishment than
 ‘ the usual Forms of the Law will allow:’ Be it therefore
 enacted by the Queen’s most Excellent Majesty, by and with
 the Advice and Consent of the Lords Spiritual and Temporal,
 and Commons, in this present Parliament assembled, and by the
 Authority of the same, That it shall be lawful for the said
 Lord High Admiral, or the Commissioners for executing the
 Office of Lord High Admiral aforesaid, to make, ordain, and
 establish Rules and Articles of War under the Hand of the said
 Lord High Admiral, or under the Hands of any Two or more
 of the said Commissioners, for the better Government of Her
 Majesty’s Royal Marine Forces, and for the Punishment of
 Mutiny, Desertion, Immorality, Breach of Discipline, Misbe-
 haviour, Neglect of Duty, and any other Offence or Misconduct
 of which they shall be guilty, in any Place on shore or afloat
 in or out of Her Majesty’s Dominions, or at any Time when or
 under any Circumstances in which they shall not be amenable
 to the Laws for the Government of Her Majesty’s Ships, Vessels,
 and Forces by Sea, or to the Discipline of the Royal Navy,
 which Rules and Articles shall be judicially taken notice of by
 all Judges and in all Courts whatsoever; and Copies of the
 same shall, as soon as conveniently may be after the same shall
 have been made, be transmitted by the Secretary of the Ad-
 miralty for the Time being (certified under his Hand) to the
 Judges of Her Majesty’s Superior Courts at *Westminster*, *Dublin*,
 and *Edinburgh* respectively, and also to the Governors of Her
 Majesty’s Dominions abroad, provided that no Person within
 the United Kingdom of *Great Britain* and *Ireland* or the *British*
Isles shall by such Articles be subject to be transported as a
 Felon or to suffer any Punishment extending to Life or Limb,
 except for Crimes which are by this Act expressly made liable
 to such Transportation or to such Punishment as aforesaid, or
 shall

shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act.

II. And be it enacted, That all Crimes and Offences committed against any former Act made for the Regulation of the Royal Marine Forces while on shore, or against any of the Rules, Regulations, or Articles of War made and established by virtue of the same, may during the Continuance of this Act be tried, inquired of, and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act; and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased; and provided also, that if any Officer or Marine in any Place beyond the Seas shall commit any of the Offences punishable by Court-martial under this Act, and shall escape and come or be brought into this Realm before he be tried for the same, he shall, when apprehended, be tried for the same as if such Offence had been committed within this Realm.

Offences
against former
Mutiny Acts
and Articles
of War.

Limitation as
to Time.

III. And be it enacted, That this Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for Trial and Punishment of Officers and Marines who shall be charged with Mutiny and Desertion or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, military Furniture, or regimental Necessaries from any Marine or Deserter, or who shall cause the Colour of any such Clothes to be changed; and also to the Provisions for exempting Marines from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds in the said Islands.

Act to extend
to Jersey, &c.

IV. And be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Marine from being proceeded

The ordinary
Course of Law
not to be inter-
fered with.

proceeded against by the ordinary Course of Law for Crimes thereby cognizable; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine charged with any capital Offence, or with any Violence or Offence against the Person or Property of any of Her Majesty's Subjects punishable by the known Laws of the Land, or who shall wilfully obstruct, neglect, or refuse to assist any Peace Officer in apprehending any such Offender, shall, upon Conviction thereof in any of Her Majesty's Courts at *Westminster, Dublin, or Edinburgh*, be deemed to be there-upon cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in Her Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty.

No Person
tried by Civil
Power to be
punished by
Court-martial
for same Offence
except by
cashiering.

V. And be it enacted, That no Person who shall have been tried before any of the ordinary Courts of Law for any Crime cognizable in such Courts shall be liable to be punished for the same by any Court-martial otherwise than by cashiering; and whenever any Officer or Marine shall have been tried before a Court of ordinary Criminal Jurisdiction, the Clerk of the Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Division to which such Officer or Marine belongs, transmit to him a Certificate containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, and Entry of Judgment thereon, or Acquittal of such Officer or Marine, and shall be allowed for such Certificate a Fee of Three Shillings.

Marines to be
subject to the
Discipline of
the Navy while
on board Ship.

VI. And it is hereby declared and enacted, That all of Her Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of any of Her Majesty's Ships or Vessels in Commission, either as Part of the Complement or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of Her Majesty's Forces by Sea, and to the Rules and Discipline of the Royal Navy, and shall and may be proceeded against and punished for Offences committed by them whilst so borne, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished; except when and so long as any Marine Officers or Marines shall be landed from any of Her Majesty's Ships, and be employed in Military Operations on shore, and when on such Occasions the senior Naval Officer present shall deem it expedient to issue an Order declaring that such Marine Officers and Marines shall during such Employment on shore be subject to the Regulations of this Act, in which Cases, and while such Order shall remain in force, they shall be subject to such Regulations, and be tried and punished under this Act accordingly, for any Offences to be committed by them while so on shore: Provided always, that if any Marine Officer or Marine so borne on the Books of any of Her Majesty's Ships shall commit on shore any Offence for which he

he shall not be amenable to a Naval Court-martial or to Naval Discipline, he shall be tried and punished for the same in the same Manner as other Marines may be tried and punished for the like Offences under the Authority of this Act.

VII. And be it enacted, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain and Ireland*, and elsewhere out of the same, in like Manner as has been heretofore used, and for bringing Offenders against this Act and the Articles of War to Justice, and to erect and constitute Courts-martial, as well within the said United Kingdom and the *British Isles* as in any of Her Majesty's Garrisons or Dominions or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of Her Majesty's Royal Marine Forces, as well within the said United Kingdom as Her Majesty's other Dominions, and in any Foreign Parts out of the same Dominions, for convening, as well as for authorizing any Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces under their Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command, the Officer so authorized not being however below the Degree of a Field Officer, except upon the Western Coast of *Africa*, where a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act, who shall in any of Her Majesty's Dominions or elsewhere commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions, or other Place where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Lord High
Admiral, &c.
may grant
Commissions
for holding
General Courts-
martial, &c.

VIII. And be it enacted, That a General Court-martial convened in *Saint Helena, Africa, Honduras, the Australian Colonies*, and the Settlements on the Coast of *China*, shall consist of not less than Five Commissioned Officers; that if convened in *Jamaica, Newfoundland, Bermuda, or the Bahamas*, or in any Part out of the Queen's Dominions, excepting the Parts afore mentioned, it shall consist of not less than Seven; and that if convened in any other Part of the Queen's Dominions, or of the Settlements of the *East India Company*, it shall consist of not less than Thirteen Commissioned Officers, and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, or any other Punishment which shall accord with the Provisions of this Act.

General Courts-
martial.

IX. And

District or
Garrison
Courts-martial.

IX. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, the *Australian Colonies*, the *Windward* and *Leeward Islands*, *British Guiana*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in *Africa*, where it may consist of not less than Three Commissioned Officers; and such Court-martial shall have the same Power as a General Court-martial to sentence any Marine to such Punishments as shall accord with the Provisions of this Act; provided that the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in Command of the District, Garrison, Island, or Colony, and that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation.

Divisional
Courts martial.

X. And be it enacted, That a Divisional or Detachment Court-martial shall consist of not less than Five Officers, unless it be found to be impracticable to assemble that Number, when Three shall be sufficient, and shall have Power to sentence any Marine to Corporal Punishment, to Imprisonment, and Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-martial
on Line of
March or in
Transport
Ships, &c.

XI. And be it enacted, That in Cases of Mutiny and gross Insubordination, or of other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, or Merchant Vessel, the Offence may be tried by a Divisional or Detachment Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in immediate Command, provided that the Sentence shall not exceed that which a Divisional Court-martial is competent to award.

Courts-martial
in special Cases
out of the
Queen's Do-
minions.

XII. And be it enacted, That it shall be lawful for any Officer commanding any District Detachment or Portion of Her Majesty's Royal Marine Forces which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries by any Person under the immediate Command of any such Officer, to summon and cause to be assembled a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Trial of any such Person, notwithstanding such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial: Provided that no Sentence of any such Detachment Court-martial shall be executed until the Officer commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

XIII. And

XIII. And be it enacted, That, when necessary or expedient, Officers of Her Majesty's Land Forces and of the Royal Marines may sit in conjunction on Courts-martial, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or Marine Forces; and when the Person to be tried shall belong to the Royal Marines, then the Proceedings of such Court-martial shall be regulated according to the Provisions of this Act; but where the Person to be tried shall belong to Her Majesty's Land Forces, then the Provisions of the Act passed in the present Session of Parliament for the Punishment of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, and the Oaths therein prescribed, shall be applicable.

Officers of the Marine and Land Forces may sit in conjunction on Courts-martial.

XIV. And be it enacted, That, provided there be no Superior Officer of Her Majesty's Land Forces present in Command of a District, Garrison, Station, or Place where Marines may be serving, it shall be lawful for any Officer of the Royal Marine Corps, of the Degree of a Field Officer, and holding a Commission from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for that Purpose, but not otherwise, to convene or assemble a District or Garrison Court-martial, to be composed as afore stated, and for such Court to proceed to try any Marine or Marines below the Rank of Commissioned Officer for any of the Offences cognizable by a District or Garrison Court-martial, and that such Courts so convened shall possess the same Power and Authority in awarding Punishments in all respects as if the Court had been assembled under the Act for the Time being for punishing Mutiny and Desertion in the Army: Provided always, that the Sentence so awarded shall not be carried into effect until the Senior Officer of the Royal Marines in the District, Garrison, Station, or Place, not being a Member of the Court, shall have confirmed the same.

If no Superior Officer of Land Forces is present in Command of a District, &c. an Officer of Marines may convene a Court-martial.

XV. And be it enacted, That the President of every Court-martial shall be appointed by the Authority convening such Courts, and shall in no Case be the Officer commanding in chief, or Governor of the Garrison where the Offender shall be tried, nor the Commanding Officer of the Division to which the Prisoner belongs, nor, in the Case of a General Court-martial, under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Divisional or Detachment Court-martial holden on the Line of March, or on board a Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission.

President of Court-martial.

XVI. And be it enacted, That in all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers, and if the Prisoner shall then object to the President such

Proceedings at Trial.

such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed, but if he object to any Officer other than the President such Objection shall be decided by the President and the other Officers so aforesaid appointed to form the Court; and when the Place of the President or other Officer, in respect of whom any Challenge shall have been made and allowed, shall be supplied by some Officer in respect of whom no Challenge shall be made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing the Court shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial, before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

Swearing and
summoning
Witnesses.

XVII. And be it enacted, That all General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil and Military, who may be required to give Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate, or the Person officiating as such, and in the Case of all other Courts-martial, by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge by any Affidavit in a summary Way that such Witness was arrested in going to or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence, or to answer all such Questions as the Court may legally demand of them, shall be liable

liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or the Court of Session, or Sheriff Depute, or Stewarts Depute, or their respective Substitutes, within their several Shires and Stewartries in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe*, or elsewhere respectively, upon Complaint made in like Manner as if such Witness had neglected to attend on a Trial in any Proceeding in the Court in which such Complaint shall be made.

XVIII. And be it enacted, That after a Prisoner has been found guilty of any Charge or Charges the Court before which any such Prisoner shall have been tried shall, before passing Sentence on such Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by Courts-martial, and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial, a Certificate, which shall purport to contain a Copy of the Charges, Finding, and Sentence of the Court, and of the Minute of the Infliction or Remission of all or any Part of such Sentence made from the original Minutes of such Court, or from the Court-martial Book, and which shall further purport to be signed by the Judge Advocate, or by the Officer officiating as such, or by the Officer confirming the Proceedings, in case such Copy be taken from the original Minutes, or by the Commanding Officer, Adjutant, or other Officer having the Custody of the Court-martial Book, in case such Copy be taken from the said Book, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein-before provided to the Officer commanding by the Clerk of any such Court or other Officer having Custody of the Records of such Courts, or the Deputy of such Clerk, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender: Provided always, that

Previous Con-
victions to be
put in Evidence.

before

before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall have been so found guilty.

Report of Proceedings of Courts-martial.

XIX. And be it enacted, That every Judge Advocate, or Person officiating as such, at a General Court-martial, and the President of every District or Garrison Court-martial, are required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence thereof to the Secretary of the Admiralty for the Time being; and any Person tried by a General Court-martial, or any Person on his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Six Months if the Trial took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in Her Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

No second Trial, but Revision allowed.

XX. And be it enacted, That no Officer or Soldier being acquitted or convicted of any Offence shall be liable to be tried a second Time by the same or any other Court-martial for the same Offence, and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence be received by the Court on any Revision.

Crimes punishable with Death.

XXI. And be it enacted, That if any Person who is or shall be commissioned or in Pay as an Officer of Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer, Drummer, or Private Man in Her Majesty's Royal Marine Forces, shall at any Time during the Continuance of this Act, while on shore in any Place within the said Kingdom, or in any other of Her Majesty's Dominions, or in any Foreign Parts out of such Dominions, or on board any Transport Ship or Merchant Ship or Vessel, or any Ship or Vessel of Her Majesty, or on board any Convict Hulk or Ship, or any other Ship or Vessel, or in any Place whatever, where or while being in any Circumstances in which he shall not be subject to, or not be liable or punishable by, the Laws relating to the Government of Her Majesty's Forces by Sea, begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Marine or other Forces, or shall not use his utmost Endeavours to suppress any such Mutiny or Sedition, or coming to the Knowledge of any Mutiny or intended Mutiny shall not without Delay give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver

deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer or any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of Her Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or use or offer any Violence against his Superior Officer being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other Officer being in the Execution of his Office, or shall violate any Law or Regulation of or relating to any Military Prison; or shall desert Her Majesty's Service; every Person so offending in any of the Matters before mentioned shall suffer Death or such other Punishment as by a Court-martial shall be awarded.

XXII. And be it enacted, That no Judgment of Death by Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein. Judgment of Death.

XXIII. And be it enacted, That whensoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Marine or as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Marine or as a Soldier in any Corps which Her Majesty shall please to direct: Provided that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to Her Majesty, or, if in the *East Indies*, to the Officer commanding as aforesaid. Commutation of Death for Transportation.

XXIV. And

Embezzlement
punishable by
Transportation.

XXIV. And be it enacted, That every Officer and other Person employed in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to Her Majesty's Royal Marine Forces or for their Use, who shall embezzle or fraudulently misapply, damage, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military or Royal Marine Stores, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster*, or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident after the said Judgment shall be confirmed and made known; and every Officer sentenced to be transported as a Felon, when such Sentence shall be duly confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Transportation
of Offenders.

XXV. And be it enacted, That whenever Her Majesty shall intend that any Sentence of Transportation heretofore or hereafter to be passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence, or for any shorter Term, or shall be graciously pleased to commute, as herein provided, any Sentence of Death which shall have been passed by any such Court, such Sentence, together with Her Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, to any Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Transportation of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall also do all such other Acts consequent upon such Notification as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making any such Orders in relation to the Transportation of Offenders; and such Order, and other Acts to be so made and done as aforesaid, shall be obeyed and executed by such Person in whose Custody such
Offender

Offender shall at that Time be, and by all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of any Statute with respect to any Offender in such Statute mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience or interrupting the Execution of such Order as they would be if the same had been made under the Authority of any such Act of Parliament; and every Person so ordered to be transported as aforesaid shall be subject respectively to all and every the Penalties and Provisions made by Law and in force concerning Persons convicted of any Crime and sentenced to be transported, or receiving Her Majesty's Pardon on Condition of Transportation; and from the Time when such Order of Transportation shall be made every Law and Statute in force touching the Escape of Felons, or their afterwards returning or their being at large without Leave, shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape, or the returning without Leave of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, the Sentence, and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and of the Sentence of such Offender, and also of the Terms in which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

XXVI. And be it enacted, That whenever any Sentence of Transportation heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, is to be carried into execution for the Term specified in such Sentence, or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Transportation, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Transportation or intermediate Custody of such Offender in like Manner as

In the Colonies.

for the Transportation or intermediate Custody of any other Convict; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who on Receipt of such Notification shall cause such Offender to be removed to some Colony or Place in obedience to the Directions for the Removal of Convicts which shall from Time to Time be transmitted from Her Majesty through One of Her Principal Secretaries of State to such Presidency or Colony; and such Offender on being so removed shall undergo the Sentence of Transportation which has been passed upon him in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be there imprisoned and kept to hard Labour, and otherwise dealt with under such Sentence, in the same Manner as if he had been sentenced to be imprisoned with hard Labour during the Term of his Transportation by the Judgment of a Court of competent Jurisdiction in the Colony or Place to which he has been so removed or sent.

Disposal of
Convict after
Sentence of
Transportation.

XXVII. And be it enacted, That when any Sentence of Death shall be commuted for Transportation, or when any Marine shall by Court-martial be adjudged to be transported as authorized by this Act, it shall be lawful for the Commanding Officer of the Division to which such Marine shall have belonged to cause him to be detained and conveyed to any Gaol or Prison, there to remain in safe Custody until he shall be removed therefrom by due Authority under an Order for his Transportation to be made by some Justice of the Queen's Bench or Common Pleas or Baron of the Exchequer as aforesaid; and that a Certificate of his Sentence, after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, (such Certificate to be signed by the Commanding Officer of the Division from which he shall be sent,) shall be a sufficient Order, Requisition, and Authority to the Governor, Keeper, or Superintendent of the Gaol or Prison to receive and detain him: Provided always, that in case of any such Offender being so conveyed to Gaol or Prison, the usual Allowance of Sixpence *per Diem* shall be made to the Keeper of the Gaol or Prison for the Subsistence of such Offender during his Detention therein, which Allowance shall be paid by the Paymaster of the Division upon Production to him by the said Governor, Keeper, or Superintendent of a Declaration, to be made by him before One of Her Majesty's Justices of the Peace of such County, of the Number of Days during which the Offender shall have been so detained and subsisted in such Gaol or Prison.

Power to in-
flict Corporal
Punishment.

XXVIII. And be it enacted, That any Court-martial may sentence any Marine to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty, provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

XXIX. And

XXIX. And be it enacted, That it shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, to award Imprisonment, with or without hard Labour.

Power to inflict Corporal Punishment and Imprisonment.

XXX. And be it enacted, That in all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded by any Court-martial, it shall be lawful for the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or for the Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, either solitary or with or without hard Labour, for any Period not exceeding Forty Days; provided that such Commutation of Punishment to Solitary Confinement shall in no Case exceed the Period herein-after prescribed.

Power to commute Corporal Punishment.

XXXI. And be it enacted, That any General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, according to the Nature of the Case; and that any District or Garrison Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion, or for disgraceful Conduct,

Forfeiture of Pay and Pension by Sentence of Court-martial.

In wilfully maiming or injuring himself, or any other Marine, whether at the Instance of such other Marine or not, with Intent to render himself or such other Marine unfit for Service:

In tampering with his Eyes with Intent thereby to render himself unfit for Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmary, or delaying his Cure:

In malingering or feigning Disease:

In stealing or embezzling Government Stores, or in receiving them knowing them to have been stolen:

In stealing any Money or Goods the Property of a Comrade, of a Marine Officer, or of any Marine Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen:

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying public Money intrusted to him:

Or in committing any Offence of a felonious or fraudulent Nature, to the Injury of, or with Intent to injure, any Person, Civil, Marine, or Military :

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

Forfeiture of Pay on Conviction of Desertion or Felony.

XXXII. And be it enacted, That every Marine who shall be found guilty of Desertion by a Court-martial, such Finding having been duly approved, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed therein, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

Forfeiture of Pay when in Confinement, or during Absence on Commitment under a Charge, or in Arrest for Debt, or when Prisoner of War ;

XXXIII. And be it enacted, That if any Non-commissioned Officer or Marine, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement, or Prolongation of Service, as herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Marine was enlisted or re-engaged, or for which his Time of Service may have been prolonged ; and that no Marine shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in arrest for Debt ; and that when any Marine shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence, but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Marine was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under, or in some Manner aided, the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence ; and that any Marine who shall be convicted of Desertion or of Absence without Leave shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave ; and if any

or when convicted of Desertion.

Marine

Marine shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Marine shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may order that such Marine shall be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without hard Labour, or with or without solitary Confinement, as the said Commanding Officer may think fit, and such Marine shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may, moreover, order that, in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Marine who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself, and, in pursuance of any such Order as aforesaid, the Pay of the Marine shall be accordingly forfeited; provided that such Marine shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid: Provided also, that any Marine who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture: Provided that it shall be lawful for the said Lord High Admiral or the said Commissioners to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Marine during the Period of Absence by any of the Causes aforesaid.

XXXIV. And be it enacted, That any General, Garrison, or District Court-martial, before which any Marine shall be convicted of habitual Drunkenness, shall, in addition to any other Punishment which such Court is competent to award, deprive such Marine of such Portion of his Pay, for such Period not exceeding Two Years, and under such Restrictions and Regulations, as may accord with the Articles of War to be made in pursuance of this Act, subject to Restoration on subsequent good Conduct; and after any other Punishment which the Court may award every Divisional or Detachment Court-martial shall deprive a Marine convicted of a Charge of habitual Drunkenness of such Portion of his additional or regular Pay, for such Period not exceeding Six Months, and under such Restrictions and Regulations, as may accord with the said Articles of War, subject to Restoration on subsequent good Conduct: Provided that a Marine so sentenced to the Forfeiture of Pay who shall be quartered or removed to a Station where Liquor forms a Part of his Ration, and is issued in Kind, shall be deprived of his Liquor in Kind, instead of being deprived of One Penny of his daily Pay, for so long a Time as he shall remain in such Station and such Sentence of Forfeiture of Pay shall remain in force.

Forfeiture of
Pay and Liquor
for habitual
Drunkenness.

Forfeiture of
Pay for Drunk-
eness on Duty.

XXXV. And be it enacted, That any Court-martial may sentence any Marine for being drunk when on or for Duty or Parade, or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award.

Stoppages.

XXXVI. And be it enacted, That, in addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good—

Any Loss, Disposal of, or Damage occasioned by him in any of the Instances of disgraceful Conduct herein specified :

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct :

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, his Accoutrements or Necessaries, or any Loss, Disposal of, or Destruction of, or Damage or Injury to, the Accoutrements or Necessaries of any other Marine, occasioned by his wilful or negligent Misconduct :

Any Expense necessarily incurred by his Drunkenness or other Misconduct :

Provided always, that, except in the Case of the Loss or Destruction of Accoutrements and Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing the same be made good, the Amount of any Loss, Destruction, Damage, or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that after satisfying the Charges for his messing and washing, so much only of the Pay of the Marine may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

Discharge with
Ignominy.

XXXVII. And be it enacted, That whenever any Marine shall have been convicted of any such disgraceful Conduct, and the Court in respect thereof shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such Marine, such Court may further recommend that he be discharged with Ignominy from Her Majesty's Service.

Marking
Deserters.

XXXVIII. And be it enacted, That on the first and on every subsequent Conviction of Desertion the Court-martial, after awarding such Punishment as it may think fit, may order the Offender to be marked on the Left Side, Two Inches below the Arm-pit, with the Letter D., such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder or other Preparation so as to be visible and conspicuous, and not liable to be obliterated.

Power of Im-
prisonment by
different Kinds
of Courts-mar-
tial.

XXXIX. And be it enacted, That a General or District Court-martial may sentence any Marine to Imprisonment with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment not exceeding Fourteen Days at a Time,
nor

nor Eighty-four Days in any One Year; with Intervals between the Periods of solitary Confinement of not less Duration than such Periods; and that any Divisional or Detachment Court-martial may sentence any Marine to Imprisonment with or without hard Labour, for any Period not exceeding Forty Days, or to solitary Confinement for any Period not exceeding Fourteen Days, or may sentence a Marine to Imprisonment, Part thereof to be with or without hard Labour, and Part thereof in solitary Confinement: Provided always, that when such Court shall direct the Imprisonment to be Part in solitary Confinement and Part otherwise, the whole Period of such Imprisonment shall not exceed Twenty Days, and the Part thereof in solitary Confinement shall not exceed Ten Days.

XL. And be it enacted, That whenever Sentence shall be passed by a Court-martial on a Person already imprisoned under Sentence of a Court-martial for any former Offence, it shall be lawful for the Court to award Imprisonment for the subsequent Offence, to commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced; and where such Person shall be already under Sentence, either of Imprisonment or Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence, to commence at the Expiration of the Imprisonment or Transportation to which such Person shall have been previously sentenced, although the aggregate of the Terms of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments would be otherwise awarded.

Imprisonment of Offenders already under Sentence for previous Offence.

XLI. And be it enacted, That, save as herein specially provided, every Term of Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall have been signed by the President; and the Place of Imprisonment under the Sentences of Courts-martial shall be appointed by the Court or the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Commanding Officer of the Division to which the Offender belongs or is attached, or the Officer commanding the District, Garrison, Island, or Colony.

Term and Place of Imprisonment.

XLII. And be it enacted, That in the Case of a Prisoner undergoing Imprisonment under Sentence of a Court-martial, or as Part of commuted Punishment, in any public Prison, or in any Gaol or House of Correction, in any Part of Her Majesty's Dominions, it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, in all Cases, or for the Officer commanding the Division in the Case of a Prisoner imprisoned under the Sentence of a Divisional Court-martial, of his sole Authority, and in all other Cases with the Consent of the Officer commanding the District, Garrison, Island, or Colony, or of the Officer by whom the Sentence of the Court shall have been confirmed, as the Case may be, to give, as often as

Proviso for Removal of Prisoners.

Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial, and such Prisoner shall accordingly, on the Production of such Order, be discharged or be delivered over, as the Case may be : Provided also, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Custody of
Prisoners under
Military Sen-
tence in Com-
mon Gaols.

XLIII. And be it enacted, That every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, or of any Gaol or House of Correction, in any Part of Her Majesty's Dominions, shall receive into his Custody any Military Offender under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the Division or Detachment to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment or Remainder of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released ; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without hard Labour, and with or without solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time, under an Order duly made for that Purpose ; and whenever Marines are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Marine for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding such Marine ; and any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any Marine Offender in the Manner herein prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Their Sub-
sistence in
Common Gaols.

XLIV. And be it enacted, That the Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Marine imprisoned by the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Marine during the Period of his Imprisonment Sixpence *per Diem*, which the Secretary of
the

the Admiralty shall cause to be issued out of the Subsistence of such Marine upon Application in Writing, signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

XLV. And be it enacted, That every Gaoler, or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, or other Place of Confinement to whom any Notice shall have been given, or who shall have Reason to believe or to know, that any Person in his Custody upon any Charge or for any Offence, Civil, Criminal, or Military, is a Marine, shall on receiving him into Custody give Notice thereof to the Secretary of the Admiralty, and also, if he be confined under Sentence of Imprisonment previous to the Expiration of the Period of the Imprisonment of such Marine, give to the Secretary of the Admiralty One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof; and for every Default of giving either or any of such Notices such Gaoler or Person shall forfeit the Sum of Twenty Pounds.

Expiration of
Imprisonment
in Common
Gaols.

XLVI. And be it enacted, That every Military Prison which shall be established under or by virtue of any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, shall be deemed to be public Prisons within the Meaning of any Act now in force or hereafter to be in force for the Regulation of Her Majesty's Royal Marine Forces; and that any Officer or Marine convicted by a Court-martial may be sent, by Order of the Commissioners for executing the Office of Lord High Admiral, to any such Military Prison, there to undergo such Punishment as may be awarded by the Sentence passed upon him, or until he be discharged or delivered up by an Order, as in the Case of a Discharge or Removal from any other Prison under this Act.

Military Pri-
sons established
under Act for
punishing
Mutiny and
Desertion in
Army to be
deemed public
Prisons.

XLVII. And be it enacted, That Musters, as have been customary, shall be taken of every Division or Company of Royal Marines once in every Calendar Month, as shall be appointed; and no Officer or Marine shall be absent from any such Muster, unless duly certified to be employed on some other Duty of the Corps, or sick, or in Prison, or on Furlough; and every Person belonging to Her Majesty's Service who shall give or procure to be given any untrue Certificate, thereby to excuse any Person from any Muster or other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or who shall willingly allow or sign any false Muster or Duplicate thereof, or shall directly or indirectly take or receive any Money or Gratuity for mustering any Person, or for signing any Muster Roll or Duplicate, or shall knowingly muster any Person by a wrong Name, shall, upon Proof by Two Witnesses before a General Court-martial for any such Offence,

Musters, and
Penalty on false
Musters.

be

be forthwith cashiered, and disabled to have or hold any Civil or Military Office or Employment in the Service of Her Majesty; and any Person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Proof thereof by the Oaths of Two Witnesses before some Justice of the Peace residing near to the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged; and if any Person not belonging to Her Majesty's Service shall give or sign any untrue Certificate of Illness or otherwise in order to excuse any Officer or Marine from Appearance at any Muster, or whereby Her Majesty's Service may be defrauded, every Person so offending shall for every such Offence forfeit the Sum of Twenty Pounds.

Verifying of
Muster Rolls.

XLVIII. And be it enacted, That all Muster Rolls and Pay Lists of Royal Marines required to be verified upon Oath shall be sworn before and attested by any Justice of the Peace, without Fee or Reward to himself or his Clerk.

Trials for De-
sertion after
subsequent
Re-enlistment.

XLIX. And be it enacted, That every Marine shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from Her Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted, and whether such Marine shall be tried for deserting from the Corps into which he originally enlisted, or for deserting from the same Corps into which he may have subsequently enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may be so tried, may, if duly stated in the Charges, be given in Evidence against him on such Trial.

Apprehension
of Deserters.

L. And be it enacted, That upon reasonable Suspicion that a Person is a Deserter, it shall be lawful for any Constable, or if no Constable can be immediately met with, then it shall be lawful for any Officer or Marine in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice living in or near such Place, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough, and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear by the Testimony of One or more Witnesses taken upon Oath, or by the Confession of such suspected Person, or by the Knowledge of such Justice, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Division to which he belongs, if stationed within Five Miles of the Place of Apprehension, or if such Head Quarters or Depôt shall not be stationed within Five Miles, then to the nearest or most convenient public Prison (other than a Military Prison), whether such Prison be in the County or Borough in which such suspected Person was apprehended or in which he was committed

or

or not; or if the Deserter shall have been apprehended by a Party of Marines in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody, and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary of the Admiralty, specifying thereon whether such Deserter was delivered to a Party of Marines in order for his being taken to the Head Quarters or Depôt of his Division, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral, and proceeded against according to Law; and such Justice shall also send to the Secretary of the Admiralty a Report stating the Names of the Persons by whom the Deserter was apprehended and secured, and the Secretary of the Admiralty shall transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Person so certified to be entitled thereto; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall, immediately upon the Receipt of the Person so charged into his Custody, pay such Fee of Two Shillings, and also, upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary of the Admiralty, and transmit also to the Secretary of the Admiralty a Copy of the Commitment, to the end that the Secretary of the Admiralty may order Repayment of the same; and that when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies, the Justice shall forthwith cause him to be conveyed to some public Prison, if the Detachment to which he is suspected to belong shall not be in the Colony, or if the Detachment be in the Colony, the Justice may, if within reasonable Distance, deliver him into Custody at the nearest Military Post, although the Detachment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the Officer commanding in the Colony a descriptive Return in the Form prescribed, to the end that such Person may be removed by the Order of such Officer, and proceeded against according to Law.

LI. And be it enacted, That for and in respect of any Marine straggling or attempting to desert from any Head Quarters who may be apprehended at a greater Distance from Head Quarters than is allowed by the Articles of War, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings, to be paid upon the delivering up of such Marine, which Sum of Ten Shillings shall be charged against and stopped and

Penalty on Marines straggling or attempting to desert from Head Quarters.

and retained out of the Pay and Subsistence of every such Marine.

Temporary
Custody of
Deserters in
Gaols.

LII. And be it enacted, That every Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine every Deserter who shall be delivered into his Custody by any Marine conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Admiralty, which Order shall continue in force until the Deserter shall have arrived at his Destination, and such Gaoler or Person shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by the said Lord High Admiral or the said Commissioners.

Fraudulent
Confession of
Desertion.

LIIL. And be it enacted, That any Person who shall voluntarily deliver himself up as and confess himself to be a Deserter from Her Majesty's Royal Marine Forces, or who, while serving in any of Her Majesty's Forces, or the embodied Militia, or the Forces of the *East India* Company, shall, to any Officer or Non-commissioned Officer thereof, confess himself to be a Deserter as aforesaid, or who, upon being apprehended for any Offence, shall in the Presence of the Justice confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Marine, and shall be liable to serve in Her Majesty's Royal Marine Forces, whether such Person shall have been ever actually enlisted as a Marine or not; or in case such Person shall not be a Deserter from the Royal Marine Forces, or shall have been discharged therefrom or from any other Corps for any Cause whatever, or shall be incapable of Service, he shall, on Conviction thereof before Two Justices of the Peace at or near the Place where he shall deliver himself up or confess, or where he may at any Time happen to be, be adjudged to be punished, if in *England* as a Rogue and Vagabond, and if in *Scotland* or *Ireland* by Commitment to some Prison or House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, or shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of His Majesty King George the Fourth, intituled *An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*, or, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition, and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, (as the Case may be,) shall be liable to be proceeded against and punished accordingly; and

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

and the Confession and receiving Subsistence as a Marine by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, (as the Case may be,) and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction of the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Record of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in Her Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

LIV. And be it enacted, That any Person who shall, in any Part of Her Majesty's Dominions, by Words or by any other Means whatsoever, directly or indirectly procure any Marine to desert, or shall by Words or by any other Means whatsoever attempt to procure or persuade any Marine to desert, and any Person who, knowing that any Marine is about to desert, shall aid or assist him in deserting, or, knowing any Marine to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, shall be deemed guilty of a Misdemeanor, and shall on Conviction thereof be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Punishment
for inducing
Marines to
desert.

LV. And be it enacted, That when there shall not be any Officer of Her Majesty's Land or Marine Forces of the Rank of Captain or of a superior Rank, or any Adjutant of Militia, within convenient Distance of the Place where any Non-commissioned Officer or Marine on Furlough shall be detained by Sickness or other Casualty rendering necessary an Extension of such Furlough, it shall be lawful for any Justice, who shall be satisfied of such Necessity, to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof,

Extension of
Furlough in
case of Sick-
ness.

thereof, to the Commanding Officer of the Division or Detachment to which the Man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary Allowance of Pay and Subsistence may be remitted to the Marine, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided that nothing herein contained shall be construed to exempt any Marine from Trial and Punishment according to the Provisions of this Act for any false Representation made by him in that Behalf to the said Officer or Justice so extending the Furlough, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

Marines not to be taken for Debts under 50*l.*, or for not supporting Family.

LVI. And be it enacted, That no Person whatever enlisted into Her Majesty's Service as a Marine shall be liable to be arrested or taken therefrom by reason of the Warrant of any Justice or other Process for not supporting or leaving chargeable on any Parish, Township, or Union any Wife or any Child or Children legitimate or illegitimate, or (except in the Case of an Apprentice) on account of any Breach of Contract or Engagement to serve or work for any Employer; and no Person enlisted as a Marine shall be liable to be taken out of Her Majesty's Service by any Process or Execution whatsoever, other than for some criminal Matter, unless an Affidavit shall be made by the Plaintiff, or some one on his Behalf, for which no Fee shall be taken, before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Thirty Pounds at least over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Marine or by his Superior Officer, and by Warrant under his Hand discharge such Marine without Fee, he being shown to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Marine, or left at his last Quarters or Place of Residence before such listing, may file a common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than against the Body.

Officers not liable to take Parish Apprentices.

LVII. And be it enacted, That no Officer of Her Majesty's Royal Marine Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish poor Child bound Apprentice to him.

LVIII. And

LVIII. And be it enacted, That no Person who shall be commissioned and in Full Pay as an Officer in the Royal Marine Forces shall be capable of being nominated or elected to be Sheriff of any County or other Place, or to be Mayor, Portreeve, Alderman, or shall be capable of holding any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain or Ireland*.

Officers not to
be Sheriffs or
Mayors.

LIX. And be it enacted, That every Person who shall receive Enlisting Money (knowing it to be such) to serve in the Royal Marines from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall, within Twelve Hours after the Receipt of the Enlisting Money, cause to be taken down in Writing the Name and Place of Abode of such Recruit, and, if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist, the Place also at which he shall declare that he intends to sleep, in order that, within Forty-eight Hours but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Marine he shall within Ninety-six Hours (any intervening *Sunday* not included) but not sooner than Twenty-four Hours after such Enlisting, unless he shall voluntarily have absented himself or absconded, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, not being an Officer in the Marines, residing in the Vicinity of the Place or acting for the Division or District or Place where such Recruit shall have enlisted, or where the Head Quarters of the Recruiting Party shall be stationed, and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit the several Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed applicable to the Case of a Recruit, and no other Oaths, any thing in any Act to the contrary notwithstanding; and the Fee for administering such Oath shall be One Shilling and no more; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the

Enlisting and
swearing of
Recruits.

the said Justice, it shall lawful be for the Justice, at the Request of the Officer or Non-commissioned Officer with whom he enlisted, to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and
Relief from
Enlistment.

LX. And be it enacted, That any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such Enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall have been paid to such Recruit subsequent to his Enlistment, shall be forthwith discharged in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice; provided that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Ninety-six Hours as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice upon Proof to his Satisfaction that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and after deducting One Shilling, as the Fee to his Clerk for reporting the Payment to the Secretary of the Admiralty, shall be paid to any Person belonging to the Recruiting Party entitled thereto, and demanding the same; provided that no Recruit who has actually though erroneously been discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment shall be liable on that Account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give to him a Certificate under his Hand specifying the Cause thereof.

Offences con-
nected with
Enlistment.

LXI. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before a Justice, or shall absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Private in Her Majesty's Royal Marine Forces as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace
after

after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he shall be finally adjudged to be a Deserter; and it shall be lawful for any Two Justices acting for the County, Division, District, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought, and shall be proved upon Oath before them to have concealed his belonging or having belonged to the Militia, or any Regiment, or to the Marines, Ordnance, or Navy, or the Forces of the *East India Company*, and discharged, or to have concealed his having been discharged on any prior Enlistment, or to have wilfully concealed any Infirmary, or designedly made any false Representation at or previously to the Time of receiving Enlisting Money or upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law may be inflicted on Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned with hard Labour in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed before the Justice at the Time of his Attestation, and shall obtain any Enlisting Money, or any Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of His Majesty King George the Fourth, intituled *An Act for consolidating and amending the Laws in England* 7 & 8 G. 4. c. 29. relative to Larceny and other Offences connected therewith, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act for* 9 G. 4. c. 55. consolidating and amending the Laws in Ireland relative to Larceny

ceny and other Offences connected therewith, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition, and any such Recruit shall be tried for any such Offence in any County or Place where he may at any Time happen to be; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his having been attested; and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Navy or Marine, or Ordnance, or that he designedly made any false Representation of any Particular contained in the said Oaths and Certificates or either of them before the Justice at the Time of the Attestation of the Person being prosecuted, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary of the Admiralty by the Justice before whom such Proof shall have been given; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist into the Marines who shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, or upon the Production of the Attestation and the before-mentioned Acknowledgment of such Person, certified by the Secretary of the Admiralty, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Marine to the Division of Her Majesty's Royal Marine Forces into which he has so enlisted: Provided also, that every such Person shall be liable to serve in Her Majesty's Royal Marine Forces in which he has so enlisted during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and be liable to be apprehended and dealt with and punished as a Deserter from the Marines if he shall neglect or refuse to join and serve therein.

Penalty on
Officers offend-
ing as to En-
listment.

LXII. And be it enacted, That every Marine Officer who shall wilfully act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for Her Majesty's Service shall, upon Proof thereof upon Oath by Two Witnesses

Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

LXIII. And be it enacted, That any Person duly bound as an Apprentice who shall enlist into Her Majesty's Royal Marine Forces, and shall state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money by false Pretences within the true Intent and Meaning of the before-recited Acts, if in *England* or in *Ireland*, and of Falsehood, Fraud, and wilful Imposition if in *Scotland*, and shall after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Marine according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits may be taken as a Deserter from Her Majesty's Royal Marine Forces.

Apprentices enlisting to be liable to serve after the Expiration of their Apprenticeship.

LXIV. And be it enacted, That no Master shall be entitled to claim an Apprentice who shall enlist as a Marine in Her Majesty's Service unless such Master shall, within One Calendar Month next after such Apprentice shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and at the Time of making his Claim produce to the Officer under whose Command the Recruit shall be the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; nor unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, (not having been above the Age of Fourteen Years when so bound,) and, if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, (not having been above the Age of Sixteen when so bound,) and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract of Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign; nor unless any such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age; provided that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid: Provided also, that any such Master who shall give up the Indentures of Apprenticeship

Claims of Masters to Apprentices.

within One Month after the enlisting of such Apprentice shall be entitled to receive, to his own Use, so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

No Apprentice claimed by the Master shall be taken away without a Warrant.

Punishment of Apprentices enlisting.

LXV. And be it enacted, That no Apprentice claimed by his Master shall be taken from any Division, Detachment, Recruiting Party, or Ship of Her Majesty, except under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, and before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath (which Oath he is hereby empowered to administer), and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the said Place, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender in *Scotland* may be tried by the Judge Ordinary in the County or Stewartry in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment; provided that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

Servants enlisting to be entitled to a Portion of their Wages.

LXVI. And be it enacted, That it shall be lawful for the Justice before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall make an Order for the Payment of the Amount so awarded, and if the same be not paid within Four Days shall issue his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Master.

Removal of Doubts as to Attestation of Marines.

LXVII. ' And whereas certain Marines who have heretofore
' been duly enlisted, and who have voluntarily taken the Oath
' of Allegiance and Fidelity, and are now receiving Her Majesty's
' Pay, have been sworn and attested, but Doubts have arisen
' whether the Justices before whom the said Marines have been
' so sworn and attested were the proper Justices to administer
' to such Marines the Oaths prescribed by the several Acts
' passed for the Regulation of Her Majesty's Royal Marine
' Forces while on Shore; be it enacted, That in every Case
where any such Marine having been duly enlisted shall have been

so attested and sworn, and shall not have claimed to be discharged on or before the Seventeenth Day of *March* One thousand eight hundred and forty-six, he shall not be entitled to his Discharge by reason of such Informality, but shall be liable to all the Provisions of this Act, and of the Act passed in the last Session of Parliament, for the Regulation of Her Majesty's Royal Marine Forces while on shore, where in force, and shall be entitled to the full Benefit of his past Service, and to all Pay and Pension in respect thereof, to all Intents and Purposes, and in like Manner, as if he had been duly attested and sworn.

LXVIII. And be it enacted, That it shall also be lawful for the Lord High Admiral and also for the said Commissioners for executing the Office of Lord High Admiral, to give Orders for withholding the Pay of any Officer or Marine for any Period during which such Officer or Marine shall be absent without Leave, or improperly absent from his Duty, or in case of any Doubt as to the proper Issue of Pay, to withhold it from the Parties aforesaid until the said Lord High Admiral or the said Commissioners shall come to a Determination upon the Case.

Admiralty may
order Pay to be
withheld.

LXIX. ' And whereas there is and may be Occasion for the ' marching and also for the quartering of the Royal Marine ' Forces when on Shore ;' be it enacted, That during the Continuance of this Act, upon the Order or Orders in Writing in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral, for the Time being, or upon the Order or Orders in Writing in that Behalf under the Hand of any Colonel Commandant or Commanding Officer of any Division of Royal Marines, it shall be lawful for all Constables and other Persons specified in this Act in *England* and *Ireland*, and they are hereby required, to billet the Officers and Marines, whether marching or otherwise, and all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to the Royal Marine Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act, taking care in *Ireland* not to billet less than Two Men in any One House ; and they shall be received by the Occupiers of such Houses, and be furnished by such Victualler with proper Accommodation in such Houses, and with a separate Bed for each Marine, or if any Victualler shall not have sufficient Accommodation in the House upon which a Marine is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided ; and at no Time when Marines are on March shall any of them be billeted above One Mile from the Place mentioned in the Route ; and in all Places where Marines shall be billeted in pursuance of this Act the Officers and their Horses shall be billeted in one and the same House, except in case of Necessity ; and the Constables are

Billeting of
Marines.

hereby required to billet all Marines on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were therein locally situated: Provided always, that nothing herein contained shall be construed to extend to authorize any Constable to billet Marines out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Marines and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present, or to the Non-commissioned Officer on the Spot; and if any Person shall find himself aggrieved by having an undue Proportion of Marines billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices within whose Jurisdiction such Marines are billeted, such Justices respectively shall have Power to order such of the Marines to be removed and to be billeted upon other Persons as they shall see Cause; and when any Horses belonging to the Officers of Her Majesty's Royal Marine Forces shall be billeted upon the Occupiers of Houses who shall have no Stables, then, upon a written Requisition of the Officer commanding such Marines, the Constable is hereby required to billet the Horses upon some other Person having Stables by this Act liable to have Officers and Marines billeted upon them, and any Two or more Justices of the Peace may order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Horses, or to be applied in the furnishing the requisite Accommodation; and the Commanding Officer may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Convenience or Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Marines requiring Billets, to extend any Route, or enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to Her Majesty's Service: Provided always, that to prevent or punish all Abuses in billeting Marines it shall be lawful for any Justice, within his Jurisdiction, by Warrant or Order under his Hand to require any Constable to give him an Account in Writing of the Number of Officers and Marines who shall be quartered by such Constable, together with the Names of the Persons upon whom such Officers and Marines are billeted, stating the Street or Place where such Persons dwell, and the Signs, if any, belonging to their Houses; and it shall be lawful for Constables to billet

Officers

Officers and Marines in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England*; and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh*: Provided always, that no Justice being an Officer of Royal Marines shall directly or indirectly be concerned in billeting or appointing Quarters under this Act.

LXX. And be it enacted, That the Innholder or other Person on whom any Marine is billeted in *England* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at any intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previously to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Ten-pence; and all Innholders and other Persons on whom Marines may be billeted in *England*, except when on the March, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Marines with Candles, Vinegar, and Salt, and shall allow them the Use of Fire and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of a Halfpenny *per Diem* for each Marine; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Royal Marine Forces shall be billeted, in *England*, for Hay and Straw, shall be Nine-pence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person for Horses billeted by virtue of this Act shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland*; and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses in which they are billeted, the Sum of Four-pence *per Week* for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay and Subsistence of the Officers and Men shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons on whom such Men are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer shall not pay the same, then, upon Complaint and Oath made thereof by any Two Witnesses at the next Quarter Sessions for the County or City where such Quarters are situate, the Secretary of the Admiralty is hereby required, upon Certificate of the Justices before whom such Oath shall be made of the Sum due

Allowance to
Innkeepers

to Complainant, to order Payment of the Amount which shall be charged against such Officer, and in case of any Marines being suddenly ordered to march, and of the Commanding Officer not being enabled to make immediate Payment of the Sums due on account of Billets, every such Officer shall before his Departure make up the Account with every Person upon whom any such Marines may have been billeted, and sign a Certificate thereof; which Account and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid and charged to the Officer's Account.

Supply of Car-
riages.

LXXI. And be it enacted, That for the regular Provision of Carriages for the Royal Marine Forces and their Baggage on their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, or any Colonel Commandant or Commanding Officer of a Division of Royal Marines, shall, on the Production of such Order to them, or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march, (for each of which Warrants a Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (allowing sufficient Time to do the same,) specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrant shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and in case sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, which List shall at all seasonable Hours be open to the Inspection of the said Persons, and shall by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages without any special Warrant from him for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, so far as the same can be done.

LXXII. And

Rates for Carriages.

LXXII. And be it enacted, That in every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen, or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in *Ireland*, for every Hundred Weight loaded on any Wheel Carriage, One Halfpenny per Mile; and in *England* such further Rates may be added, not exceeding a total additional Sum per Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions in *England* for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices at Sessions or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof; and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher: Provided always, that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down the proper Sums into the Hands of the Constable providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable: Provided also, that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland*, consenting to carry a greater Weight, shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such

such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car and Sixpence a Mile for each Dray; and the loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*: Provided also, that a Cart with One or more Horses, for which the Furnisher shall receive Nine-pence a Mile, shall be required to carry Fifteen Hundred Weight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen, or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Marines from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays at his Discretion out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of Marines on any Pretence whatever.

Providing for
Supply of Car-
riages, &c. in
Cases of Emer-
gency.

LXXIII. And be it enacted, That it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Lord Lieutenant or Chief Governors of *Ireland*, by their or his Orders distinctly stating that a Case of Emergency doth exist, signified by the Secretary of the Admiralty, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any Commanding Officer of Her Majesty's Royal Marine Forces in any District or Place, or to the chief acting Agents for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of the Lord High Admiral, or the said Commissioners, or Lord Lieutenant or Chief Governors aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision, not only of Waggon, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Post Chaises, Chaises, and other Four-wheeled Carriages kept for Hire, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition to such Justice by any Officer of the Corps ordered to be conveyed

veyed such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon not only the Baggage, Provisions, and Military Stores of such Detachment, but also the Officers, Marines, Servants, Women, Children, and other Persons of and belonging to the same.

LXXIV. And be it enacted, That it shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the public Stock of the County or Riding, or if such public Stock be insufficient then out of the Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

Justices of Peace to direct Payment of Sums expended for Carriages, &c.

LXXV. And be it enacted, That it shall be lawful for the said Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency for the marching of any of Her Majesty's Royal Marine Forces in *Ireland* in the Name of such Lord Lieutenant or Chief Governor.

Lord Lieutenant of Ireland may depute Persons to sign Routes.

LXXVI. And be it enacted, That all Officers and Marines, being in proper Uniform, Dress or Undress, and their Horses, (but not when passing in any private or hired Vehicle,) and all Recruits marching by Route, and all Prisoners under Military Escort, and all Carriages and Horses belonging to Her Majesty, or employed in Her Service, under the Provisions of this Act, when employed in conveying Persons or Baggage, or returning therefrom, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine who shall be in proper Uniform, Dress or Undress, or for their Horses,

Exemption from Tolls.

Horses, and who by this Act is exempted from Payment thereof, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service, under the Provisions of this Act, when conveying Persons or Baggage, or returning therefrom, every such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein mentioned; and that when any Officers or Marines on Service shall have Occasion in the March by Route to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

Marching
Money on Dis-
charge.

LXXVII. And be it enacted, That every Marine upon being discharged from the Service shall be entitled to an Allowance (not exceeding in any Case the Amount of Twenty-one Days Marching Money) to enable him to reach his Home, or the Place at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment, which Allowance shall be calculated according to the Distance he has to travel: Provided always, that no Person who shall purchase his own Discharge, or be discharged on account of Misbehaviour, or at his own Desire, before the Expiration of his Period of Service, shall be entitled to any such Allowance.

Notification to
Parishes of
good or bad
Conduct of
Marines.

LXXVIII. And be it enacted, That the Churchwardens of every Parish in *England* and *Ireland*, and the Constable or other Officer of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary of the Admiralty of the Name of any Marine belonging to the said Parish or Place who has for meritorious Conduct received Her Majesty's special Approbation, or who in consequence of Misconduct has been dismissed Her Majesty's Service with Disgrace, shall affix to and leave such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of such Notification.

Penalties upon
Civil Subjects
offending
against the
Laws relating
to Billets and
Carriages.

LXXIX. And be it enacted, That if any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Marines in any Part of the United Kingdom shall presume to billet any such Officer or Marine in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Marine on Duty when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be
given

given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving any such Officer or Marine; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any such Houses against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall demand more than the legal Rates for the same, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive any such Officer or Marine, or to afford him proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse, or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively shall forfeit for every Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

LXXX. And be it enacted, That if any Officer of Royal Marines shall take upon him to quarter Men otherwise than is allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Justice, Constable, or other Civil Officer tending to deter and discourage any of them from performing any Part of their Duty under this Act, or to do any thing contrary thereto, such Officer shall for every such Offence, being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided a Certificate thereof be forthwith transmitted by the said Justices to the Secretary of the Admiralty, and that the Conviction be affirmed at some Quarter Sessions of the Peace for the said County to be held next after the Expiration of Three Months after such Certificate shall have been transmitted as aforesaid; and if any Marine Officer shall take or knowingly suffer to be taken any Money or Reward of any Person for excusing the quartering of Officers or Marines, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any House against the Consent of the Occupier, he shall for any

of

Penalty upon
Officers of
Marines so
offending.

of the said Offences, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return home on the same Day if it be practicable, except in the Case of Emergency, for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Marine or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same shall be required and can be done within a reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, he shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty for
forcible Entry.

LXXXI. And be it enacted, That every Marine Officer who shall, without Warrant from One or more of Her Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Penalty for
purchasing
Clothes, &c.
from any
Marine.

LXXXII. And be it enacted, That any Person who shall detain, buy, or exchange, or otherwise receive from any Marine or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or shall solicit or entice any Marine, or shall be employed by any Marine, knowing him to be such, to sell any Arms, Ammunition, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, or who shall have in his or her Possession or Keeping any Arms, Ammunition, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, and shall not give a satisfactory Account how he or she came by the same, or shall change or cause the Colour or Mark of any such Clothes, Appointments, or Necessaries to be changed or defaced, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles

Articles of which such Offender shall have so become possessed, and shall, in addition to such Forfeiture, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit, and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the Conviction certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence; and if any credible Person shall prove, on Oath before a Justice of the Peace or Person exercising like Authority according to the Laws of that Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession or on his or her Premises any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may and he is hereby required to grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law.

LXXXIII. And be it enacted, That all the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Royal Marines, or shall open or keep any House or Place of Rendezvous or Office, or receive any Person therein under such Bill or Advertisement as connected with the Marine Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty on
unlawful re-
cruiting.

LXXXIV. And for the better Preservation of the Game and Fish in or near such Place where any Officer shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish within the United Kingdom, and who upon Complaint thereof shall be, upon Oath of One or more credible Witness or Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Penalty on
Officers killing
Game.

LXXXV. And be it enacted, That if any Action shall be brought against any Member or Minister of a Court-martial to be assembled under the Authority of this Act, in respect of the Proceedings or the Sentence thereof, or against any other Person, for any thing done in pursuance or under the Authority of this Act,

Limitation of
Actions.

Act, the same shall be brought in some one of the Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall be commenced within Six Months next after the Cause of Action shall arise, and that it shall be lawful for the Defendant or Defendants therein to plead thereto the General Issue, and to give all special Matter in Evidence on the Trial, and if the Verdict shall be for the Defendant in any such Action, or if the Plaintiff shall become nonsuit or suffer any Discontinuance thereof, or if, in *Scotland*, the Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the Matter shall be tried shall allow the Defendant Treble Costs, for the Recovery of which he shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

Recovery of
Penalties.

3 G. 4. c. 23.

5 G. 4. c. 18.

LXXXVI. And be it enacted, That all Offences for which any pecuniary Penalty or Forfeiture not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, is by this Act imposed, shall and may be heard and determined by any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be ; and all such Penalties and Forfeitures, and Forfeiture of Value and Treble Value, and also the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered under the Provisions of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to facilitate summary Proceedings before Justices of the Peace and others*, and by another Act passed in the Fifth Year of the Reign of His said Majesty, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, and for facilitating the Execution of Warrants by Constables*: Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Months ; which said recited Acts shall be used and applied in *Scotland* for the Recovery of all such Penalties and Forfeitures as fully to all Intents as if the said recited Acts had extended to *Scotland*, any thing in the said recited Acts to the contrary notwithstanding ; and all such Offences committed in the *British* Isles, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures of Value or Treble Value recovered, before any Justices of the Peace or Persons exercising like Authority, according to the Laws of Her Majesty's Dominions in which the Offence shall be committed ; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British* Isles, or in any other

other Part of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

LXXXVII. And be it enacted, That one Moiety of every such Penalty or Forfeiture, not including any Treble Value of any Articles, shall go to the Person who shall inform or sue for the same, and the other Moiety, together with the Treble Value of such Articles, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty and such Treble Value, shall be paid over and applied in such Manner as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall direct; any thing in an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, or in any other Act or Acts of Parliament, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days thereafter at the furthest, report the same, and his Adjudication thereof, to the Secretary of the Admiralty.

Appropriation
of Penalties.

5 & 6 W. 4. c. 76.

LXXXVIII. And be it enacted, That it shall be lawful for any Two Justices of the Peace, within their respective Jurisdictions, to grant or transfer any Licence for selling by Retail any Spirit, Beer, Wine, Cider, or Perry to any Person or Persons applying for the same who shall hold any Canteen under any Lease thereof, or by Agreement with any Department or other Authority under the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, without regard to the Time of Year, or any Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise or their proper Officers within their respective Districts shall also grant or transfer any such Licence as aforesaid; and such Persons holding such Canteens, and having such Licences as aforesaid, may sell therein Victuals, and all such exciseable Liquors as they shall be licensed and empowered to sell, without being subject for so doing to any Penalty or Forfeiture whatever.

Licences of
Canteens.

LXXXIX. And be it enacted, That any Justice in the United Kingdom, within whose Jurisdiction any Marine shall be quartered on shore, may summon such Marine before him, which Summons such Marine is hereby required to obey, and take his Examination in Writing upon Oath touching the Place of his last legal Settlement in *England*; and such Justice shall give an attested Copy of such Examination to the Person so examined, to be by him delivered to his Commanding Officer to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such legal Settlement before any Justice or at any General or Quarter Sessions of the Peace, although such Marine be dead or absent from the Kingdom: Provided always, that in case any Marine shall be again summoned to make Oath as aforesaid,

Mode of recording a Marine's Settlement.

then, on such Examination or such attested Copy being produced, such Marine shall not be obliged to make any other or further Oath with regard to his legal Settlement, but shall leave with such Justice a Copy of such Examination or a Copy of such attested Copy of Examination, if required.

Administration
of Oaths.

Perjury.

XC. And be it enacted, That all Oaths and Declarations which are authorized or required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace or Magistrate acting as such; and that any Person giving false Evidence or taking a false Oath or Declaration in any Case wherein an Oath or Declaration is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such Pains and Penalties as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to.

Definition of
Terms.

XCI. And be it enacted, That all Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed*; and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables, and other chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act; and all Provisions for billeting Marines in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses or Places thereunto belonging, to all Houses of Persons licensed to sell Beer, Ale, Porter, Cider, or Perry by Retail, to be consumed or drank in their Dwelling Houses or Premises, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then Marines may be billeted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billeted in *England* in any private Houses or in any Canteen held or occupied under the Authority of the Ordnance or Marine Department, or upon Persons who keep Taverns only being Vintners of the City of *London* admitted to their Freedom of that Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Vic-
tualling

Marines not to
be billeted in
private Houses,
&c.

tualling Licences; nor in the House of any Distiller kept for distilling Brandy and Strong Waters; nor in the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses; nor in the House or Residence in any Part of the United Kingdom of any Foreign Consul duly credited as such.

XCH. And be it enacted, That this Act shall continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and forty-eight until the Twenty-fifth Day of *April* One thousand eight hundred and forty-nine inclusive; and within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and the *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and forty-eight until the First Day of *May* One thousand eight hundred and forty-nine inclusive; and within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *July* One thousand eight hundred and forty-eight until the Twenty-fifth Day of *July* One thousand eight hundred and forty-nine inclusive; and in all other Parts of *Europe* where Royal Marine Forces may be serving, and the *West Indies* and *North America* and *Cape of Good Hope*, from the Twenty-fifth Day of *September* One thousand eight hundred and forty-eight until the Twenty-fifth Day of *September* One thousand eight hundred and forty-nine inclusive; and in all other Places from the Twenty-fifth day of *November* One thousand eight hundred and forty-eight until the Twenty-fifth Day of *November* One thousand eight hundred and forty-nine inclusive.

XCH. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Duration of Act.

Act may be amended, &c.

SCHEDULE referred to by this Act.

FORM of OATHS to be taken by MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you.

So help you GOD.

I do swear, That I will truly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces, and according to an Act now in force for the Regulation of the said Forces while on shore, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases; and I further swear, That I will not divulge the Sentence of the Court until

it shall be duly approved; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law.

So help me GOD.

FORM of OATH of JUDGE ADVOCATE.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any Particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved.

So help me GOD.

QUESTIONS to be separately put by the JUSTICE to a RECRUIT.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Royal Marine Forces for the Term of [this Blank to be filled up by the Justice with "Twelve Years," if the Person enlisted is of the Age of Eighteen Years or upwards, but if under that Age then the Difference between his Age and Eighteen is to be added to such Twelve Years], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?
9. At what Place, on what Day, at what Hour of the Day, and where and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Have you any Objection to make to the Manner of your Enlistment?
12. Do you now belong to the Militia?
13. Do you belong to any Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?

14. Have

14. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company?
15. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

Note.—The Magistrate is directed in putting the Twelfth Question to the Recruit, and before he receives his Answer, distinctly to apprise the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

OATH to be taken by a RECRUIT on Attestation.

I do make Oath, That the above Questions have been separately put to me, that the Answers thereto have been read over to me, and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors; and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies; and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand,

Signature of the Recruit.

Witness present.

Sworn before me at this
Day of One thousand eight
hundred and at
o'Clock.

Signature of the Justice.

CERTIFICATE to be given by the JUSTICE.

Description of

Age, apparently

Height,

Feet

Inches.

Complexion,

Eyes,

Hair,

Any distinctive Mark.

to wit. } **I** one of Her Majesty's Justices of the
Peace at do hereby certify, That the
above is the Description of the Recruit ; and
in my Presence all the foregoing Questions were put to the
said that the Answers written opposite to them
are

are those which he gave to me; and that the Thirtieth and Thirty-sixth Articles of the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces while on shore, against Mutiny and Desertion, were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of _____ on being attested this Day; that he was not attested until Twenty-four Hours had elapsed after he received Enlisting Money; that _____ [this *Blank is to be supplied by the Words* "the Place where he swears that he is enlisted is in the Vicinity of my Residence," or by the *Words* "the Place where he swears that he enlisted is within the Division, District, or Place for which I act," or, by the *Words* "I am acting within the Division, District, or Place where the Head Quarters of the Recruiting Party is stationed," as the Case may be]; that I am not an Officer in the Marines, and that I have given him a Duplicate of this Certificate signed with my Name.

Signature of the Justice.

DECLARATION to be made by a MARINE renewing his Service.

I _____ do declare, That I am at present [or was, as the Case may be,] in the _____ Division of the Royal Marine Forces; that I enlisted on the _____ Day of _____ for a Term of _____ Years; that I am of the Age of _____ Years; and that I will serve Her Majesty, Her Heirs and Successors, as a Marine, for a further Term of _____ Years [to be filled up with Twelve Years, and in the Case of a Marine about to embark for Foreign Service, with such Number of Years as shall be required to complete a total Service of Twenty-four Years], provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Declared before me

Signature of Marine.

Signature of Witness.

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I _____ of _____ do make Oath, That I am _____ by Trade a _____ and that _____ was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the _____ Day of _____, for the Term of _____ Years; and that the said _____ did _____ on or about the _____ Day of _____ last abscond and quit

quit my Service without my Consent; and that to the best of
my Knowledge and Belief the said _____ is aged about

Years. Witness my Hand at
the _____ Day of _____ One thousand eight
hundred and _____

Sworn before me at this
Day of One thousand eight }
hundred and

**FORM of JUSTICE's CERTIFICATE to be given to the MASTER
of an Apprentice.**

to wit. } I one of Her Majesty's Justices of the
Peace of certify, That
of came before me at the
Day of One thousand eight hundred and ,
and made Oath that he was by Trade a , and
that was bound to serve as an Apprentice to him
in the said Trade, by Indenture dated the Day
of for the Term of Years; and that the
said Apprentice did on or about the Day of
abscond and quit the Service of the said without
his Consent; and that to the best of his Knowledge and Belief
the said Apprentice is aged about Years.

DESCRIPTION RETURN of committed to Confinement
 at on the Day of as
 Deserter from the Royal Marines.

Age	-	-	-	-	
Height	-	-	-	-	Feet. Inches.
Complexion	-	-	-	-	
Hair	-	-	-	-	
Eyes	-	-	-	-	
Marks	-	-	-	-	
Probable Date of Enlistment, and where	-	-	-	-	
Probable Date of Desertion, and from what Place	-	-	-	-	
Name and Occupation and Address of the Person by whom apprehended					- - -
Particulars of the Evidence on which the Prisoner is committed					- - -
Whether the Prisoner was apprehended or voluntarily surrendered himself as a Deserter					-
Whether the Prisoner confessed before the Magistrate that he is a Deserter					- -

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate, in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he † a Deserter from the above-mentioned Corps.

Signature and Address of Magistrate.

Signature of Prisoner.

Signature of Informant.

† Insert "is" or "is not," as the Case may be.

I certify that I have inspected the Prisoner, and consider him ‡ for Military Service.

Signature of Military Medical Officer, or of Private Medical Practitioner.

‡ Insert "fit" or "unfit," as the Case may be; and if unfit, state the Cause of Unfitness.

CAP. XVI.

An Act for raising the Sum of Seventeen millions nine hundred and forty-six thousand five hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-eight.

[22d April 1848.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, at any Time or Times, to cause any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster*, for any Sum or Sums of Money not exceeding in the whole the Sum of Seventeen millions nine hundred and forty-six thousand five hundred Pounds, in like Manner as is prescribed in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at Westminster*, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills*.

Treasury
may raise
17,946,500*l.*
by Exchequer
Bills, in like
Manner as is
prescribed by

48 G. 3. c. 1.

4 & 5 W. 4. c. 15.

5 & 6 Vict. c. 66.

II. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

The Clauses,
&c. in recited
Acts extended
to this Act.

III. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

The Treasury
to apply the
Money raised.

IV. And be it enacted, That the Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be charged upon

Bills, how to
be charged and
paid.

upon and shall be paid out of any Supplies to be granted in the next Session of Parliament.

Interest on
Bills.

V. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Bank of *England* standing to the Credit of the Exchequer.

Bills charged
on Supplies to
be current in
Payment of
Public Revenue
after Twelve
Calendar
Months from
their Dates.

VI. And be it enacted, That all the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncanceled, shall, after Twelve Calendar Months from their respective Dates, be taken and shall pass and be current to all the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever already granted or payable, or which shall hereafter be granted or payable to Her Majesty, Her Heirs and Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

Bank of Eng-
land may
advance
17,946,500*l.*
on the Credit
of Bills, not-
withstanding
5 & 6 W. & M.
c. 20.

VII. And be it declared and enacted, That it shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act any Sum or Sums of Money not exceeding in the whole the Sum of Seventeen millions nine hundred and forty-six thousand five hundred Pounds; any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France*, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

CAP. XVII.

An Act to amend the Act of the present Session to facilitate the Completion of Public Works in *Ireland*.

[22d April 1848.]

11 Vict. c. 1.

‘ WHEREAS by an Act passed in the present Session of
‘ Parliament, intituled *An Act to facilitate the Completion*,
‘ *in certain Cases, of Public Works in Ireland*, certain Returns
‘ for the Purposes of the said Act are directed to be made at
‘ the then ensuing Spring Assizes, and under the said recited
‘ Act and the Acts incorporated therewith certain Presentments
‘ and Proceedings are to be made and taken at the same
‘ Assizes: And whereas it is expedient that the Time for
‘ Proceedings

‘ Proceedings under the said Act should be extended :’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Returns, Special Sessions, Presentments, and Proceedings which, under the Provisions of the said recited Act, should or might be made, held, or taken previous to or at the Spring Assizes in the Year One thousand eight hundred and forty-eight, shall and may be made, held, and taken in like Manner previous to or at the Summer Assizes of the same Year, notwithstanding any Special Sessions or Proceedings that may have been previously held or taken under the said recited Act ; and that all the Powers and Provisions of the said recited Act shall extend and apply to the said Summer Assizes, and to any Grand Jury empannelled thereat, and to the Returns, Presentments, Matters, and Things to be made or done thereat, or previously or subsequently thereto, as fully and effectually as to the said Spring Assizes, or to any Grand Jury empannelled thereat, or to the Returns, Presentments, Matters, and Things to be made or done thereat, or previously or subsequently thereto.

Proceedings which under the recited Act might be done at the Spring Assizes, may be done in like Manner at the Summer Assizes of this Year.

II. ‘ And whereas it is by the said recited Act amongst other things enacted, that in certain Cases therein mentioned the Secretary of the Grand Jury of any County shall, by Notice under his Hand, convene a Special Presentment Sessions for the County, to be holden at such Time as shall be specified in such Notice, not being sooner than Seven Days from the Time of posting such Notice nor later than Six Weeks after the First Special Presentment Sessions shall have been held for any Barony or Half Barony within such County under the Provisions of the said Act ;’ be it enacted, That any such Special Presentment Sessions for the County shall and may, in the like Cases as in the said Act provided for the holding of such Sessions, notwithstanding any such Special Sessions that may have been previously held under the said recited Act, be convened by the Secretary of the Grand Jury by Notice under his Hand, to be holden in the County Court House, for the Purposes of the said Act and this Act, at such Time as shall be specified in such Notice, not being sooner than Seven Days from the Time of posting such Notice nor later than Six Weeks after the First Special Presentment Sessions shall have been held after the passing of this Act for any Barony or Half Barony of such County, for the Purposes of the said recited Act and this Act, and subject to like Provisions.

Time for holding Presentment Sessions for the County extended.

III. And be it declared and enacted, That any Sessions holden under the Provisions of the said recited Act and this Act may be continued from Day to Day, or may be adjourned, as shall be found expedient or necessary : Provided always, that within Thirty Days from the Termination of such adjourned or continued Sessions the adjourned Sessions for the opening of sealed Tenders and Proposals, as in the said recited Act mentioned, may be holden for the Purposes in the said Act mentioned.

As to Adjournment of Sessions held under recited Act and this Act.

IV. And

Recited Act
and this con-
strued as one.

Act may be
amended, &c.

IV. And be it enacted, That the said recited Act and this Act shall be construed together as One Act.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XVIII.

An Act to remove certain Doubts as to the Law for the Trial of controverted Elections. [5th May 1848.]

7 & 8 Vict.
c. 103.

Sitting Mem-
bers may, in all
Cases of Elec-
tion Petitions
presented
before the
1st of March,
object to the
Recognizance,
on Grounds
omitted to be
specified in
recited Act.

‘ WHEREAS Petitions have been presented in several Cases
‘ to the House of Commons, complaining of an undue
‘ Election or Return of a Member or Members to serve in
‘ Parliament: And whereas such Petitions are endorsed by a
‘ Certificate under the Hand of the Examiner of Recognizances,
‘ to the Effect that the Recognizances required by an Act
‘ passed in the Eighth Year of the Reign of Her present Ma-
‘ jesty, intituled *An Act to amend the Laws for the Trial of*
‘ *controverted Elections of Members to serve in Parliament*, have
‘ been entered into and received by him, with the Affidavits
‘ thereunto annexed: And whereas in some of such Cases
‘ Doubts have been entertained as to the Validity of the Re-
‘ cognizances so entered into as aforesaid: And whereas in
‘ some of the Cases wherein such Doubts have been entertained
‘ as aforesaid other Petitions have also been presented from
‘ the sitting Member or Members, complaining of the Inva-
‘ lidity of the Recognizances entered into in pursuance of the
‘ said recited Act, and praying for Relief in the Premises:
‘ And whereas it is desirable that the Doubts herein-before
‘ mentioned should be put an end to, and that a Mode of pro-
‘ ceeding should be prescribed with respect to the Determina-
‘ tion of the several before-mentioned Petitions:’ Be it there-
fore enacted by the Queen’s most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled, and
by the Authority of the same, That in all Cases of Election
Petitions which shall have been presented before the First of
March in the present Year, and which shall after the passing of
this Act be tried during the present Session of Parliament, it
shall be lawful for all and every the sitting Members and
Member against whose Return any such Petition shall have
been presented, by themselves or himself, or their or his Agents
or Agent, to deliver in to the Clerk of the General Committee
of Elections, not later than Six of the Clock in the Afternoon
on the Sixth Day next before the Day appointed for choosing
the Committee to try the Petition complaining of such Election
or Return, Notice in Writing that a preliminary Objection will
be made before such Select Committee to the Form or Sub-
stance of the Recognizance or Recognizances entered into by or
on behalf of the Petitioner or Petitioners against such Return,
provided that the Ground or Grounds of such Objection be not
such as would, under the said recited Act, have entitled any
sitting Member petitioned against to object to the Sureties or
any

any of them who shall have entered into such Recognizance or Recognizances, and that the Grounds of Objection be stated in such Notice.

II. And be it enacted, That in all Cases in which such Notice of Objection shall have been delivered in as aforesaid the Select Committee chosen to try the Election Petition or Election Petitions to which such Notice relates shall in the first instance inquire into and decide upon such preliminary Objection; and such Select Committee shall have, for the Purpose of such Inquiry and Decision, all the Powers given to Select Committees by the said recited Act for the Purpose of trying the Merits of the Return or Election petitioned against; and if such Select Committee shall be of opinion that such Recognizance or Recognizances is or are good and valid for all the Intents and Purposes of the said recited Act, such Committee shall decide that the same is or are good, and shall thereafter proceed to try the Merits of the Return or Election the Petition relating to which shall have been referred to them; and if such Committee shall be of opinion that the Recognizance or Recognizances objected to are void, and that such Invalidity is in any degree attributable to the Neglect or Laches of the Petitioner or Petitioners, or the Party or Parties entering into such Recognizance or Recognizances, or their or any of their Agents, then the Committee shall report to the House accordingly, and no further Proceeding shall be had upon such Petition or Petitions, and the Order referring the same to such Select Committee shall be discharged; and if such Select Committee shall be of opinion that such Recognizance or Recognizances are void, as herein-before mentioned, but that any such Invalidity as aforesaid is in no degree attributable to the Neglect or Laches of the Petitioner or Petitioners, or of the Party or Parties entering into such Recognizance or Recognizances, or their or any of their Agents, or shall be of opinion that the Validity of such Recognizance or Recognizances is doubtful, or that any Party for whose Security such Recognizance or Recognizances was or were intended might be embarrassed in enforcing the same, then the Committee shall (as the Case may be) decide accordingly, and in either Case that such Recognizance or Recognizances may be amended; and thereupon, if the Person or Persons who shall have entered into such Recognizance or Recognizances, or the Survivors or Survivor of them, shall consent thereto, in Writing signed by his or their Hand or Hands, the Committee shall forthwith, by their Chairman, amend such Recognizance or Recognizances, by making the same conformable to the Form of Recognizance contained in the Schedule to the said recited Act, and the Chairman shall write in the Margin of the same, against every Amendment, the Words "amended by Committee," and shall sign his Name to such Words; or it shall be lawful for the Petitioner or Petitioners forthwith, before the Examiner of Recognizances who shall for that Purpose attend the Committee, to enter into a new Recognizance or new Recognizances, with sufficient Sureties, (as required by the said recited

Select Committee appointed to try Election Petition shall inquire first into such preliminary Objection, and if Recognizance be good proceed to try the Merits of the Return.

If Recognizances be invalid through Neglect of Petitioners, no further Proceedings to be had on Petition.

If Recognizances be void, but not through the Neglect of the Petitioners, or if of doubtful Effect, Committee may amend the same, or Petitioners may enter into new Recognizances

recited Act,) previously approved of by the Committee, who shall have, for the Purpose of inquiring into the Sufficiency of such Sureties, all the said Powers given to Select Committees by the said recited Act, and the Committee shall also be satisfied that the new Recognizance or Recognizances is or are in due Form and valid; and the Committee, having made such Amendment, or being satisfied with such new Recognizance or Recognizances, shall decide that the Recognizance or Recognizances so amended or newly entered into is or are good, and shall proceed to try the Merits of the Return or Election as aforesaid; but if the Person or Persons who shall have entered into such Recognizance or Recognizances shall not consent in manner aforesaid to such Amendment, and if no new Recognizance or Recognizances shall be entered into as aforesaid, the Committee shall report to the House that such Recognizance or Recognizances ought to be amended, or new Recognizances entered into, but that the Parties have not consented to such Amendment or entered into new Recognizances, and thereupon no further Proceedings shall be had upon the Petition referred to such Committee, and the Order referring the same to them shall be discharged.

Amended or new Recognizances to have the same Effect as when originally entered into, and the Decision of the Committee, that the same is good, to be final.

III. And be it enacted, That all and every Recognizances and Recognizance which shall be amended by any Select Committee shall after such Amendment have, and shall be held and taken in all Courts to have had, from the Time when the same were or was entered into, the same Force and Effect for all Intents and Purposes whatsoever as if the same when entered into had been in the Words and Figures in which the same shall be when so amended as aforesaid; and the marginal Words "amended by Committee," written against any Amendment in the same, and appearing to be signed as aforesaid, shall be Evidence in all Courts that such Amendment was duly made, and such marginal Words duly signed, under the Authority of this Act; and any new Recognizance or Recognizances which shall be entered into under the Authority of this Act shall have, and shall be taken to have had from before the receiving of the Petition to which the same shall relate, the same Force and Effect to all Intents and Purposes as if the same had been duly entered into under the said recited Act before the receiving of such Petition, and as if the Examiner of Recognizances had reported to the Speaker that the Sureties entering into the same are unobjectionable; and the Decision of every Select Committee that any Recognizance or Recognizances, or that any amended Recognizance or Recognizances, is or are good, shall be final and conclusive against all Parties, and the Validity of any such Recognizance or Recognizances shall not be called in question in any Court upon any Ground or Pretence whatever.

Recited Act and this Act to be read as one.

Act may be amended, &c.

IV. And be it enacted, That the said recited Act and this Act shall be read and construed together as One Act.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP.

CAP. XIX.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-nine. [9th June 1848.]

‘ **WHEREAS** divers Persons who, on account of their
‘ Offices, Places, Employments, or Professions, or any
‘ other Cause or Occasion, ought to have taken and subscribed
‘ the Oaths or Assurance respectively appointed to be by such
‘ Persons taken and subscribed in and by an Act passed in
‘ the First Year of the Reign of His Majesty King *George the*
‘ *First*, of glorious Memory, intituled *An Act for the further* 1 G. 1. st. 2.
‘ *Security of His Majesty’s Person and Government, and the* c. 13:
‘ *Succession of the Crown in the Heirs of the late Princess*
‘ *Sophia, being Protestants; and for extinguishing the Hopes of*
‘ *the pretended Prince of Wales, and his open and secret Abettors;*
‘ or to have qualified themselves according to an Act passed
‘ in the Thirteenth Year of the Reign of His Majesty King
‘ *Charles the Second*, intituled *An Act for the well-governing* 13 C. 2. st. 2.
‘ *and regulating of Corporations;* or to have qualified them- c. 1.
‘ selves according to another Act passed in the Twenty-fifth
‘ Year of the Reign of His Majesty King *Charles the Second*,
‘ intituled *An Act for preventing the Dangers which may happen* 25 C. 2. c. 2.
‘ *from Popish Recusants;* or according to another Act passed
‘ in the Thirtieth Year of the Reign of His Majesty King
‘ *Charles the Second*, intituled *An Act for the more effectual* 30 C. 2. st. 2.
‘ *preserving the King’s Person and Government, by disabling*
‘ *Papists from sitting in either House of Parliament;* or accord-
‘ ing to another Act passed in the Eighth Year of the Reign of
‘ His Majesty King *George the First*, intituled *An Act for* 8 G. 1. c. 6.
‘ *granting the People called Quakers such Forms of Affirmation*
‘ *or Declaration as may remove the Difficulties which many of*
‘ *them lie under;* or according to another Act passed in the
‘ Ninth Year of the Reign of His Majesty King *George the*
‘ *Second*, intituled *An Act for indemnifying Persons who have* 9 G. 2. c. 26.
‘ *omitted to qualify themselves for Offices within the Time limited*
‘ *by Law, and for allowing further Time for that Purpose; and*
‘ *for amending so much of an Act passed in the Second Year of*
‘ *the Reign of His present Majesty as requires Persons to qualify*
‘ *themselves for Offices before the End of the next Term or*
‘ *Quarter Sessions;* and also for enlarging the Time limited by
‘ *Law for making and subscribing the Declaration against Tran-*
‘ *substantiation;* and for allowing a further Time for Enrolment
‘ *of Deeds and Wills made by Papists; and for Relief of Pro-*
‘ *testant Purchasers, Devisees, and Lessees;* or according to
‘ another Act passed in the Eighteenth Year of the Reign of
‘ His Majesty King *George the Second*, intituled *An Act to* 18 G. 2. c. 20.
‘ *amend and render more effectual an Act passed in the Fifth*
‘ *Year*

6 G. 3. c. 53.

9 G. 4. c. 17.

10 G. 4. c. 7.

Persons who
have omitted to
qualify them-
selves as re-
quired by the
recited Acts
indemnified,
and allowed
further Time.

‘ Year of His present Majesty’s Reign, intituled ‘ *An Act for the further Qualification of Justices of the Peace* ;’ or according to another Act passed in the Sixth Year of the Reign of His Majesty King George the Third, intituled *An Act for altering the Oath of Abjuration and the Assurance ; and for amending so much of an Act passed in the Seventh Year of the Reign of Her late Majesty Queen Anne, intituled ‘ An Act for the Improvement of the Union of the Two Kingdoms,’ as after the Time therein limited requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason ;* or according to another Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act for repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord’s Supper as a Qualification for certain Offices and Employments ;* or according to another Act passed in the Tenth Year of the Reign of His said Majesty, intituled *An Act for the Relief of His Majesty’s Roman Catholic Subjects,* so far only as the said Act relates to any Civil or Military Offices or Places of Trust, or Places of Profit or Corporate Offices ; have, through Ignorance of the Law, Absence, or some unavoidable Accident, omitted to take and subscribe the Oaths and Assurance and make and subscribe the Declaration required by the said recited Acts or either of them, or otherwise to qualify themselves as aforesaid, within such Time and in such Manner as in and by the said Acts respectively is required, whereby they have incurred, or may be in danger of incurring, divers Penalties and Disabilities : For quieting the Minds of Her Majesty’s Subjects, and for preventing any Inconvenience that might otherwise happen by means of such Omissions,’ be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person or Persons who, at or before the passing of this Act, hath or shall have omitted to take and subscribe the Oaths and Declarations, or otherwise to qualify him, her, or themselves, within such Time and in such Manner as in and by the said Acts or any of them is required, and who, after accepting any such Office, Place, or Employment, or undertaking any Profession or Thing, on account of which such Qualification ought to have been had and is required, before the passing of this Act hath or have taken and subscribed the said Oaths or made the Declarations required by Law, or who on or before the Twenty-fifth Day of *March* One thousand eight hundred and forty-nine shall take and subscribe the Oaths, Declarations, and Assurance respectively, in such Cases wherein by the said several Acts or any or either of them the said Oaths, Declarations, and Assurance ought to have been taken and subscribed, in such Manner and Form, and at or in such Place or Places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified,

nified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred for or by reason of any Neglect or Omission, previous to the passing of this Act, of taking or subscribing the said Oaths or Assurance, or making or subscribing the said Declarations respectively, or taking or subscribing the said Oath, according to the above-mentioned Acts or any of them or any other Act or Acts; and such Person or Persons is and are and shall be fully and actually recapacitated and restored to the same State and Condition as he, she, or they were in before such Neglect or Omission, and shall be and be deemed and adjudged to have duly qualified him, her, or themselves according to the above-mentioned Acts and every of them; and that all Elections of, and Acts done or to be done by, any such Person or Persons, or by Authority derived from him, her, or them, are and shall be of the same Force and Validity as the same or any of them would have been if such Person or Persons respectively had taken the said Oaths or Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, according to the Directions of the said Acts and every or any of them; and that the Qualification of such Person or Persons qualifying themselves in manner and within the Time appointed by this Act shall be to all Intents and Purposes as effectual as if such Person or Persons had respectively taken the said Oaths and Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, within the Time and in the Manner appointed by the several Acts before mentioned.

II. ' And whereas several Persons well affected to Her Majesty's Government, and to the United Church of *England* and *Ireland*, have, through Ignorance of the Law, neglected, or been, by Sickness or other unavoidable Causes, prevented from taking and subscribing the Declaration according to the Directions of an Act passed in the Parliament of *Ireland* in the Second Year of the Reign of Her Majesty Queen *Anne*, intituled *An Act to prevent the further Growth of Popery*; be it therefore enacted, That all Persons who have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid; and that no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but that all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oath, and made and repeated and subscribed the said Declaration, at such Time and Place and Manner as in the said Act is mentioned; any thing in the said Act to the contrary notwithstanding: Provided always, that such Person or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such

Indemnity to those who have omitted to make and subscribe the Oath and Declaration required by the Irish Act of 2 Anne.

Manner and Form, and in such Place or Places respectively, as are directed and appointed by the said last-recited Act, on or before the Twenty-fifth Day of *March* One thousand eight hundred and forty-nine.

Not to indemnify Persons against whom final Judgment has been given.

III. Provided always, and be it enacted, That this Act, or any thing herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have been given in any Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law.

Not to exempt Justices acting without legal Qualification.

IV. Provided also, and be it enacted, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within *Great Britain* from the Penalties to which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force.

Admissions to Corporations may be stamped after the Time allowed.

V. ' And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other Public Officers, and the Admission of divers Members and Officers of Cities, Corporations, and Borough Towns, in *Great Britain* and *Ireland*, or the Entries of such Admissions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough Towns which by several Acts are directed and required to be stamped, may not have been provided or the same not stamped, or may have been lost or mislaid; be it enacted, That for the Relief of such Persons whose Appointments and Admissions, or the Entries of whose Admissions as aforesaid, may not have been provided or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such Persons in *Great Britain* or *Ireland*, on or before the Twenty-fifth Day of *March* One thousand eight hundred and forty-nine, to provide or cause to be provided Appointments and Admissions, or Entries of Admissions, as aforesaid, duly stamped, or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such Appointments, Admissions, or Entries of Admissions as aforesaid to the Commissioners appointed to inspect and manage the Revenues of the Stamp Duties, to be duly stamped, which such Commissioners are hereby authorized and empowered; and required to duly stamp, on Payment of double the Amount of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries as aforesaid, without any other Fine or Forfeiture thereon; and in order to denote the said Duties the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former

former Law concerning stamped Vellum, Parchment, and Paper; and such Person so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, and other Public Officer, or Member or Members, Officer or Officers of such Cities, Corporations, and Borough Towns respectively, to all Intents and Purposes, and shall and may hold and enjoy and execute such Offices or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

VI. Provided always, and be it enacted, That this Act, or any thing herein contained, shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided by Judgment of any of Her Majesty's Courts of Record, already legally filled up and enjoyed by any other Person, but that such Office or Employment, Benefice, Matter, or Thing so avoided or legally filled up and enjoyed shall be and remain in and to the Person or Persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been passed.

Not to restore
Persons to any
Office avoided
by Judgment.

VII. And be it enacted, That in case any Action, Suit, Bill of Indictment, or Information shall from and after the passing of this Act be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

General Issue.

CAP. XX.

An Act to authorize for One Year, and to the End of the then next Session of Parliament, the Removal of Aliens from the Realm. [9th June 1848.]

‘ WHEREAS it is expedient, for the due Security of the
‘ Peace and Tranquillity of this Realm, that Provision
‘ should be made, for a Time to be limited, respecting Aliens
‘ arriving or resident in this Kingdom:’ Be it enacted by the
Queen’s most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons,
in this present Parliament assembled, and by the Authority of
the

Power to Secretary of State or Lord Lieutenant of Ireland to order Aliens to depart this Realm.

If Aliens wilfully refuse to obey such Order, they may be committed to Gaol until taken in charge for the Purpose of being sent out of the Realm.

Penalty on Aliens disobeying such Order.

Aliens on neglecting to obey Order may be given in charge by Warrant of Secretary of State or Lord Lieutenant of Ireland, to be conveyed out of the Kingdom.

the same, That when and so often as One of Her Majesty's Principal Secretaries of State in that Part of the United Kingdom called *Great Britain*, or the Lord Lieutenant or other Chief Governor or Governors in that Part of the United Kingdom called *Ireland*, shall have Reason to believe, from Information given to him or them respectively, in Writing, by any Person subscribing his or her Name and Address thereto, that for the Preservation of the Peace and Tranquillity of any Part of this Realm it is expedient to remove therefrom any Alien or Aliens who may be in any Part of this Realm, or who may hereafter arrive therein, it shall be lawful for such Secretary of State in that Part of the United Kingdom called *Great Britain*, and for such Lord Lieutenant or other Chief Governor or Governors in that Part of the United Kingdom called *Ireland*, by Order under his or their Hand or Hands respectively, to be published in the *London* or *Dublin* Gazette, as the Case may be, to direct that any such Alien or Aliens who may be within *Great Britain* or *Ireland* respectively, or who may hereafter arrive therein, shall depart this Realm, within a Time limited in such Order; and if any such Alien shall knowingly and wilfully refuse or neglect to pay due Obedience to such Order, or shall be found in this Realm or any Part thereof, contrary to such Order, after such Publication thereof as aforesaid, and after the Expiration of the Time limited in such Order, it shall be lawful for any of Her Majesty's Principal Secretaries of State, or for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, or for any Justice of the Peace, or for the Mayor or Chief Magistrate of any City or Place, to cause every such Alien to be arrested, and to be committed to the Common Gaol of the County or Place where he or she shall be so arrested, there to remain, without Bail or Mainprize, until he or she shall be taken in charge for the Purpose of being sent out of the Realm, under the Authority herein-after given.

II. And be it enacted, That every such Alien so knowingly and wilfully refusing or neglecting to pay due Obedience to any such Order as aforesaid shall be guilty of a Misdemeanor, and being convicted thereof shall, at the Discretion of the Court, be adjudged to suffer Imprisonment for any Time not exceeding One Month for the First Offence, and not exceeding Twelve Months for the Second and any subsequent Offence.

III. And be it enacted, That it shall be lawful for any One of Her Majesty's Principal Secretaries of State, or the Lord Lieutenant or Chief Governor or Governors of *Ireland*, in any Case in which any Alien shall be found in this Realm after the Expiration of the Time limited in such Order, and whether he or she shall or shall not have been arrested or committed for Refusal or Neglect to obey such Order, or convicted of such Refusal or Neglect, and either before or after such Alien shall have suffered the Punishment inflicted for the same, by Warrant under his Hand and Seal, to give such Alien in charge to One of Her Majesty's Messengers, or to any other Person or Persons

sons to whom he shall think proper to direct such Warrant, in order to such Alien being conveyed out of the Kingdom; and such Alien shall be so conveyed accordingly: Provided always, that where such Alien (not having been convicted as aforesaid) shall allege any Excuse for not complying with such Order, or any Reason why the same should not be enforced, or why further Time should be allowed him or her for complying therewith, it shall be lawful for the Lords of Her Majesty's Privy Council in *Great Britain* or in *Ireland*, as the Case may be, to judge of the Sufficiency of such Excuse or Reason, and to allow or disallow the same either absolutely or on such Condition as they shall think fit; and where such Alien shall be in Custody under such Warrant of any of Her Majesty's Secretaries of State or of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* as aforesaid, the Messenger or other Person in whose Custody he or she shall be, forthwith upon its being signified to him that such Excuse or Reason is alleged by such Alien, shall make known the same to such Secretary of State, or to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, as the Case may be, who, upon receiving such Notification, or in any Case in which he or they shall be informed that any such Excuse or Reason is alleged by or on behalf of any Alien to quit the Realm, shall forthwith suspend the Execution of such Warrant until the Matter can be inquired into and determined by the said Lords of Her Majesty's Privy Council; and such Alien, if in Custody under any such Warrant, shall remain in such Custody, or if not in Custody may be given in charge by any such Warrant as aforesaid, and shall remain in Custody until the Determination thereon shall be made known, unless in the meantime such Secretary of State, or the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, shall consent to or the said Lords shall make Order for the Release of such Alien, either with or without Security: Provided always, that the Lords of Her Majesty's Most Honourable Privy Council shall cause to be delivered to such Alien, in Writing, a general Summary of the Matters alleged against him or her, and shall allow him or her reasonable Time to prepare his or her Defence; and that it shall be lawful for him or her to summon and examine upon Oath Witnesses before the said Lords of Her Majesty's Most Honourable Privy Council, and to be heard before them, by himself or herself, or his or her Counsel, in support of the Excuse or Reason by him or her alleged.

Where any Alien shall allege any Excuse for not complying with Order, Privy Council to judge of the Sufficiency of the same.

Privy Council shall cause a Summary of Matters alleged against Alien to be delivered to him, &c.

IV. Provided always, and be it enacted, That in every Case in which Power is given by this Act to commit any Alien to Gaol without Bail or Mainprize it shall and may be lawful for any Justices of Her Majesty's Courts of Record at *Westminster* or in *Dublin*, or for any of the Barons in *Great Britain* or *Ireland*, being of the Degree of the Coif, or for the Lord Justice Clerk or any of the Commissioners of Justiciary in *Scotland*, if upon Application made he shall see sufficient Cause, to admit such Person to Bail, he or she giving sufficient Security for his

Judges may admit Aliens to Bail in all Cases, if they see sufficient Cause.

' the said last-mentioned Act was continued in force until the
 ' First Day of *March* One thousand eight hundred and thirty-
 ' six: And whereas a certain other Act was passed in a Session
 ' of Parliament holden in the Fourth and Fifth Years of the
 ' Reign of His late Majesty King *William* the Fourth, inti-
 ' tuled *An Act to amend the Laws relating to Insolvent Debtors* 4 & 5 W. 4. c. 79.
 ' in India: And whereas by an Act passed in a Session of
 ' Parliament holden in the Sixth and Seventh Years of the
 ' Reign of His late Majesty King *William* the Fourth, inti-
 ' tuled *An Act to continue until the First Day of March* One 6 & 7 W. 4. c. 47.
 ' *thousand eight hundred and thirty-nine, and from thence to the*
 ' *End of the then next Session of Parliament, the several Acts*
 ' *relating to Insolvent Debtors in India*, the first-mentioned Act,
 ' as amended by the said Act of the Session of the Fourth and
 ' Fifth Years of the Reign of His late Majesty King *William*
 ' the Fourth, was continued in force until the First Day of
 ' *March* One thousand eight hundred and thirty-nine, and from
 ' thence to the End of the then next Session of Parliament:
 ' And whereas by a certain other Act of Parliament passed in a
 ' Session holden in the Third and Fourth Years of the Reign
 ' of Her present Majesty, intituled *An Act to continue until the* 3 & 4 Vict. c. 80.
 ' *First Day of March* One thousand eight hundred and forty-five,
 ' *and from thence to the End of the then next Session of Parlia-*
 ' *ment, the several Acts relating to Insolvent Debtors in India,*
 ' the said Acts of the Ninth Year of the Reign of King *George*
 ' the Fourth, and of the Session of the Fourth and Fifth Years
 ' of the Reign of King *William* the Fourth, were continued
 ' until the First Day of *March* One thousand eight hundred
 ' and forty-five, and from thence until the End of the then
 ' next Session of Parliament: And whereas by a certain other
 ' Act of Parliament passed in a Session holden in the Ninth and
 ' Tenth Years of Her present Majesty, intituled *An Act to con-* 9 & 10 Vict.
 ' *tinue until the First Day of March* One thousand eight hun- c. 14.
 ' *dred and forty-seven, and from thence to the End of the then*
 ' *next Session of Parliament, the several Acts relating to Insolvent*
 ' *Debtors in India*, the said Acts of the Ninth Year of the
 ' Reign of King *George* the Fourth, and of the Session of the
 ' Fourth and Fifth Years of the Reign of King *William* the
 ' Fourth, were continued until the First Day of *March* One
 ' thousand eight hundred and forty-seven, and from thence to
 ' the End of the then next Session of Parliament: And whereas
 ' it is expedient to consolidate the Provisions of the said Acts
 ' into One Act, and to amend the Laws relating to Insolvent
 ' Debtors in *India*:' Be it therefore enacted by the Queen's
 most Excellent Majesty, by and with the Advice and Consent
 of the Lords Spiritual and Temporal, and Commons, in this
 present Parliament assembled, and by the Authority of the
 same, That the said Acts of the Ninth Year of the Reign of
 King *George* the Fourth, and of the Session of the Fourth and
 Fifth Years of the Reign of King *William* the Fourth, shall be
 and the same are hereby continued until the Thirty-first Day of
July One thousand eight hundred and forty-eight, and that from
 and

Recited Acts
 9 G. 4. c. 73.
 and 4 & 5 W. 4.
 c. 79. repealed
 after 31st July
 1848, save as to
 Acts then done

or her Appearance to answer the Matters alleged against him or her.

Where Alien shall not have been sent out of the Realm within One Month after Commitment, Judges, &c. empowered, where Application has been made, to continue in or discharge such Alien out of Custody.

V. Provided nevertheless, and be it enacted, That where any Alien who shall have been committed under this Act to remain until he or she shall be taken in charge for the Purpose of being sent out of the Realm shall not be sent out of the Realm within One Calendar Month after such Commitment, it shall in every such Case be lawful for any of the Justices of Her Majesty's Courts of Record at *Westminster* or in *Dublin*, or for any of the Barons in *Great Britain* or *Ireland*, being of the Degree of the Coif, or for the Lord Justice Clerk or any of the Commissioners of Justiciary in *Scotland*, or for any Two of Her Majesty's Justices of the Peace in any Part of the United Kingdom, upon Application made to him or them by or on the Behalf of the Person so committed, and upon Proof made to him or them that reasonable Notice of the Intention to make such Application had been given to some or One of Her Majesty's Principal Secretaries of State in *Great Britain*, or to the Lord Lieutenant or Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, according to his or their Discretion, to order the Person so committed to be continued in or discharged out of Custody.

Act not to extend to Ambassadors, &c., or Aliens who have resided in the Kingdom for Three Years.

VI. Provided always, and be it enacted, That nothing in this Act contained shall affect any Foreign Ambassador or other Public Minister duly authorized, nor any Person belonging to the diplomatic or domestic Establishment of any such Foreign Ambassador or Public Minister, registered as such according to Law, or being actually attendant upon such Ambassador or Minister, nor any Alien under the Age of Fourteen Years, or who shall have been residing within this Realm for Three Years next before the passing of this Act.

Duration of Act.

VII. And be it enacted, That this Act shall continue in force for One Year from the passing thereof, and until the End of the then next Session of Parliament.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be repealed or amended in the present Session of Parliament.

CAP. XXI.

An Act to consolidate and amend the Laws relating to Insolvent Debtors in *India*. [9th June 1848.]

9 G. 4. c. 73.

2 & 3 W. 4. c. 43.

‘ WHEREAS an Act was passed in the Ninth Year of the
 ‘ Reign of His late Majesty King *George* the Fourth,
 ‘ intituled *An Act to provide for the Relief of Insolvent Debtors*
 ‘ *in the East Indies until the First Day of March One thousand*
 ‘ *eight hundred and thirty-three*: And whereas a certain other
 ‘ Act was passed in the Second Year of the Reign of His late
 ‘ Majesty King *William* the Fourth, intituled *An Act to con-*
 ‘ *tinue until the First Day of March One thousand eight hun-*
 ‘ *dred and thirty-six an Act of the Ninth Year of His late*
 ‘ *Majesty, for the Relief of Insolvent Debtors in India*, whereby
 ‘ the

' the said last-mentioned Act was continued in force until the
 ' First Day of *March* One thousand eight hundred and thirty-
 ' six: And whereas a certain other Act was passed in a Session
 ' of Parliament holden in the Fourth and Fifth Years of the
 ' Reign of His late Majesty King *William* the Fourth, inti-
 ' tuled *An Act to amend the Laws relating to Insolvent Debtors* 4 & 5 W. 4. c. 79.
 ' in India: And whereas by an Act passed in a Session of
 ' Parliament holden in the Sixth and Seventh Years of the
 ' Reign of His late Majesty King *William* the Fourth, inti-
 ' tuled *An Act to continue until the First Day of March* One 6 & 7 W. 4. c. 47.
 ' *thousand eight hundred and thirty-nine, and from thence to the*
 ' *End of the then next Session of Parliament, the several Acts*
 ' *relating to Insolvent Debtors in India*, the first-mentioned Act,
 ' as amended by the said Act of the Session of the Fourth and
 ' Fifth Years of the Reign of His late Majesty King *William*
 ' the Fourth, was continued in force until the First Day of
 ' *March* One thousand eight hundred and thirty-nine, and from
 ' thence to the End of the then next Session of Parliament:
 ' And whereas by a certain other Act of Parliament passed in a
 ' Session holden in the Third and Fourth Years of the Reign
 ' of Her present Majesty, intituled *An Act to continue until the* 3 & 4 Vict. c. 80.
 ' *First Day of March* One thousand eight hundred and forty-five,
 ' *and from thence to the End of the then next Session of Parlia-*
 ' *ment, the several Acts relating to Insolvent Debtors in India*,
 ' the said Acts of the Ninth Year of the Reign of King *George*
 ' the Fourth, and of the Session of the Fourth and Fifth Years
 ' of the Reign of King *William* the Fourth, were continued
 ' until the First Day of *March* One thousand eight hundred
 ' and forty-five, and from thence until the End of the then
 ' next Session of Parliament: And whereas by a certain other
 ' Act of Parliament passed in a Session holden in the Ninth and
 ' Tenth Years of Her present Majesty, intituled *An Act to con-* 9 & 10 Vict.
 ' *tinue until the First Day of March* One thousand eight hun- c. 14.
 ' *dred and forty-seven, and from thence to the End of the then*
 ' *next Session of Parliament, the several Acts relating to Insolvent*
 ' *Debtors in India*, the said Acts of the Ninth Year of the
 ' Reign of King *George* the Fourth, and of the Session of the
 ' Fourth and Fifth Years of the Reign of King *William* the
 ' Fourth, were continued until the First Day of *March* One
 ' thousand eight hundred and forty-seven, and from thence to
 ' the End of the then next Session of Parliament: And whereas
 ' it is expedient to consolidate the Provisions of the said Acts
 ' into One Act, and to amend the Laws relating to Insolvent
 ' Debtors in *India*:' Be it therefore enacted by the Queen's
 most Excellent Majesty, by and with the Advice and Consent
 of the Lords Spiritual and Temporal, and Commons, in this
 present Parliament assembled, and by the Authority of the
 same, That the said Acts of the Ninth Year of the Reign of
 King *George* the Fourth, and of the Session of the Fourth and
 Fifth Years of the Reign of King *William* the Fourth, shall be
 and the same are hereby continued until the Thirty-first Day of
July One thousand eight hundred and forty-eight, and that from

Recited Acts
 9 G. 4. c. 73.
 and 4 & 5 W. 4.
 c. 79. repealed
 after 31st July
 1848, save as to
 Acts then done

and pending
under recited
Acts 6 & 7 W. 4.
c. 47.,
3 & 4 Vict. c. 80.,
and 9 & 10 Vict.
c. 14.

and after that Day the same, and also the said Act of the Session of the Ninth and Tenth Years of the Reign of Her present Majesty, shall be and stand repealed, save as to all Acts, Matters, and Things which before then shall have been done under the Provisions of the said Three last-mentioned Acts or of any of them, and save as to all Rights, Exemptions, and Discharges whatsoever under and by virtue of any of the said last-mentioned Acts, and save as to all Matters and Things whatsoever under and by virtue of any of the said last-mentioned Acts which shall then be pending in any of the Courts for the Relief of Insolvent Debtors in *India*, or in any other Courts whatsoever, which shall be proceeded with in the like Manner, and have all the like Effects and Consequences, as if the said Acts hereby repealed had been in force, and had been permanently continued by this Act.

Courts esta-
blished under
9 G. 4. c. 79. for
Relief of Insol-
vent Debtors,
continued
with the same
Powers as here-
tofore.

II. And be it enacted, That the Courts established under the first of the said recited Acts for the Relief of Insolvent Debtors in the *East Indies* shall be continued and shall continue to be Courts of Record, with all the same Powers as heretofore, and each shall continue to be styled "The Court for the Relief of Insolvent Debtors," and to be holden before any One Judge of the Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively, within the respective Limits of the said Towns of *Calcutta*, *Madras*, and *Bombay*, and that all the Officers of the said Courts respectively now established for the Relief of Insolvent Debtors in the *East Indies* shall be, until removed under the Provisions herein-after contained, the Officers of the said Courts hereby continued respectively, and that all Rules and Orders not repugnant to the Provisions of this Act now in force in the said Courts respectively, and all Tables of Fees now in force therein, shall, until the same are varied or repealed, continue in force in like Manner to all Intents and Purposes as if the Acts in force with respect to Insolvent Debtors before this Act comes into operation had been continued by this Act.

A Court to be
holden once a
Month at least
in *Calcutta*,
and as often as
found necessary
in *Madras* and
Bombay, by
any One Judge
of the respec-
tive Supreme
Courts.

III. And be it enacted, That a Court for the Relief of Insolvent Debtors shall be holden once a Month at least throughout the Year, and oftener if need be, in *Calcutta*, and so often as may be found necessary within the Towns of *Madras* and *Bombay*, by any One Judge of the said Supreme Courts of Judicature respectively; and it shall be lawful for each of the said Courts to sit for the Despatch of Business at one and the same Time with the said Supreme Court of its Presidency; and every Advocate and Attorney of the said Supreme Courts at *Calcutta*, *Madras*, and *Bombay* respectively shall be entitled to practise in the way of his Profession in the Court for the Relief of Insolvent Debtors of that Presidency, and no other Persons shall practise as Advocates or Attornies in the said Courts for the Relief of Insolvent Debtors; and the said Supreme Courts of Judicature respectively shall have Power from Time to Time to make Rules to regulate the Proceedings of the Courts hereby continued for the Relief of Insolvent Debtors

Debtors to be holden within their respective Jurisdictions, and from Time to Time to vary and repeal, in whole or in part, any of the Rules and Orders and any Table of Fees now in force in the said Courts respectively for the Relief of Insolvent Debtors in the *East Indies*, and especially to provide in what Manner Notice shall be given to the Creditors of Parties applying for Relief under this Act, and in what Cases besides those mentioned in this Act Costs may be awarded, and shall prepare and cause to be sealed with their respective Seals a sufficient and proper List of Fees to be charged and received by the Officers of the said Courts for the Relief of Insolvent Debtors of their respective Presidencies, and shall certify under their Seals, and transmit to the President of the Board of Commissioners for the Affairs of *India*, Copies of such Rules and Lists of Fees to be laid before Her Majesty for Her Royal Approbation, Correction, or Revision; and other Copies of the same shall at all Times be fixed in conspicuous Places in the Courts for the Relief of Insolvent Debtors; and no other Fee or Gratuity shall be received or taken by any Officer or Attorney of such last-mentioned Courts, on any Pretence whatsoever, except such as shall be specified in such Lists.

IV. And be it enacted, That Her Majesty's Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively shall have Power from Time to Time to remove any of the Officers of the Courts hereby continued as the Courts for the Relief of Insolvent Debtors within their respective Presidencies, and to make such Reductions in the Number and in the Emoluments of such Officers as may be practicable, and to them shall seem fit, and from Time to Time to appoint such Persons as may be necessary to transact the Business of such Courts, and from Time to Time to annul all or any of such Appointments, and to reduce the Number of such Officers in case the Number of the same may be conveniently reduced; and that each of the said Courts hereby continued shall cause to be sealed with the Seal of the said Court all such Records, Proceedings, Documents, and Copies of the same as are herein-after expressly required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same, as the said Court shall at any Time direct; and that the said Courts respectively may adjourn any of their Sittings from Time to Time, and to such Time as may be requisite, and shall have Power to administer Oaths, or, in the Case of such Persons as shall object on the Ground of any religious or conscientious Scruples to take an Oath, solemn Affirmations, and shall examine all Parties and Witnesses upon Oath or such solemn Affirmation for the Purposes of this Act; and the said Courts respectively shall have the like Powers of issuing Commissions to take Evidence as now are or may be hereafter possessed by the Supreme Courts respectively of their several Presidencies, and shall have the like Powers of compelling the Attendance of the Insolvent and all other Parties at all Times when their Attendance may be deemed requisite by the said Court, and of all Witnesses or any other Persons who may

Power to Supreme Courts to remove and appoint Officers, and reduce Emoluments, from Time to Time.

Records, &c. to be sealed with the Seal of the Court.

Power to Court to adjourn Sittings and administer Oaths, &c.

Courts to have the same Power to issue Commissions, and compel Attendance of Insolvents and Production of Books, &c. as are now pos-

6 G. 3. c. 53.

9 G. 4. c. 17.

10 G. 4. c. 7.

Persons who
have omitted to
qualify them-
selves as re-
quired by the
recited Acts
indemnified,
and allowed
further Time.

‘ Year of His present Majesty’s Reign, intituled ‘ *An Act for the further Qualification of Justices of the Peace* ;’ or according to another Act passed in the Sixth Year of the Reign of His Majesty King George the Third, intituled *An Act for altering the Oath of Abjuration and the Assurance ; and for amending so much of an Act passed in the Seventh Year of the Reign of Her late Majesty Queen Anne, intituled ‘ An Act for the Improvement of the Union of the Two Kingdoms,’ as after the Time therein limited requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason ;* or according to another Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act for repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord’s Supper as a Qualification for certain Offices and Employments ;* or according to another Act passed in the Tenth Year of the Reign of His said Majesty, intituled *An Act for the Relief of His Majesty’s Roman Catholic Subjects,* so far only as the said Act relates to any Civil or Military Offices or Places of Trust, or Places of Profit or Corporate Offices ; have, through Ignorance of the Law, Absence, or some unavoidable Accident, omitted to take and subscribe the Oaths and Assurance and make and subscribe the Declaration required by the said recited Acts or either of them, or otherwise to qualify themselves as aforesaid, within such Time and in such Manner as in and by the said Acts respectively is required, whereby they have incurred, or may be in danger of incurring, divers Penalties and Disabilities : For quieting the Minds of Her Majesty’s Subjects, and for preventing any Inconvenience that might otherwise happen by means of such Omissions,’ be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person or Persons who, at or before the passing of this Act, hath or shall have omitted to take and subscribe the Oaths and Declarations, or otherwise to qualify him, her, or themselves, within such Time and in such Manner as in and by the said Acts or any of them is required, and who, after accepting any such Office, Place, or Employment, or undertaking any Profession or Thing, on account of which such Qualification ought to have been had and is required, before the passing of this Act hath or have taken and subscribed the said Oaths or made the Declarations required by Law, or who on or before the Twenty-fifth Day of *March* One thousand eight hundred and forty-nine shall take and subscribe the Oaths, Declarations, and Assurance respectively, in such Cases wherein by the said several Acts or any or either of them the said Oaths, Declarations, and Assurance ought to have been taken and subscribed, in such Manner and Form, and at or in such Place or Places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified,

nified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred for or by reason of any Neglect or Omission, previous to the passing of this Act, of taking or subscribing the said Oaths or Assurance, or making or subscribing the said Declarations respectively, or taking or subscribing the said Oath, according to the above-mentioned Acts or any of them or any other Act or Acts; and such Person or Persons is and are and shall be fully and actually recapacitated and restored to the same State and Condition as he, she, or they were in before such Neglect or Omission, and shall be and be deemed and adjudged to have duly qualified him, her, or themselves according to the above-mentioned Acts and every of them; and that all Elections of, and Acts done or to be done by, any such Person or Persons, or by Authority derived from him, her, or them, are and shall be of the same Force and Validity as the same or any of them would have been if such Person or Persons respectively had taken the said Oaths or Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, according to the Directions of the said Acts and every or any of them; and that the Qualification of such Person or Persons qualifying themselves in manner and within the Time appointed by this Act shall be to all Intents and Purposes as effectual as if such Person or Persons had respectively taken the said Oaths and Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, within the Time and in the Manner appointed by the several Acts before mentioned.

II. ' And whereas several Persons well affected to Her Majesty's Government, and to the United Church of *England* and *Ireland*, have, through Ignorance of the Law, neglected, or been, by Sickness or other unavoidable Causes, prevented from taking and subscribing the Declaration according to the Directions of an Act passed in the Parliament of *Ireland* in the Second Year of the Reign of Her Majesty Queen *Anne*, intituled *An Act to prevent the further Growth of Popery*;' be it therefore enacted, That all Persons who have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid; and that no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but that all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oath, and made and repeated and subscribed the said Declaration, at such Time and Place and Manner as in the said Act is mentioned; any thing in the said Act to the contrary notwithstanding: Provided always, that such Person or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such

Indemnity to those who have omitted to make and subscribe the Oath and Declaration required by the Irish Act of 2 Anne.

Manner and Form, and in such Place or Places respectively, as are directed and appointed by the said last-recited Act, on or before the Twenty-fifth Day of *March* One thousand eight hundred and forty-nine.

Not to indemnify Persons against whom final Judgment has been given.

III. Provided always, and be it enacted, That this Act, or any thing herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have been given in any Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law.

Not to exempt Justices acting without legal Qualification.

IV. Provided also, and be it enacted, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within *Great Britain* from the Penalties to which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force.

Admissions to Corporations may be stamped after the Time allowed.

V. ' And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other Public Officers, and the Admission of divers Members and Officers of Cities, Corporations, and Borough Towns, in *Great Britain* and *Ireland*, or the Entries of such Admissions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough Towns which by several Acts are directed and required to be stamped, may not have been provided or the same not stamped, or may have been lost or mislaid; be it enacted, That for the Relief of such Persons whose Appointments and Admissions, or the Entries of whose Admissions as aforesaid, may not have been provided or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such Persons in *Great Britain* or *Ireland*, on or before the Twenty-fifth Day of *March* One thousand eight hundred and forty-nine, to provide or cause to be provided Appointments and Admissions, or Entries of Admissions, as aforesaid, duly stamped, or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such Appointments, Admissions, or Entries of Admissions as aforesaid to the Commissioners appointed to inspect and manage the Revenues of the Stamp Duties, to be duly stamped, which such Commissioners are hereby authorized and empowered; and required to duly stamp, on Payment of double the Amount of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries as aforesaid, without any other Fine or Forfeiture thereon; and in order to denote the said Duties the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former

former Law concerning stamped Vellum, Parchment, and Paper; and such Person so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, and other Public Officer, or Member or Members, Officer or Officers of such Cities, Corporations, and Borough Towns respectively, to all Intents and Purposes, and shall and may hold and enjoy and execute such Offices or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

VI. Provided always, and be it enacted, That this Act, or any thing herein contained, shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided by Judgment of any of Her Majesty's Courts of Record, already legally filled up and enjoyed by any other Person, but that such Office or Employment, Benefice, Matter, or Thing so avoided or legally filled up and enjoyed shall be and remain in and to the Person or Persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been passed.

Not to restore
Persons to any
Office avoided
by Judgment.

VII. And be it enacted, That in case any Action, Suit, Bill of Indictment, or Information shall from and after the passing of this Act be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

General Issue.

CAP. XX.

An Act to authorize for One Year, and to the End of the then next Session of Parliament, the Removal of Aliens from the Realm. [9th June 1848.]

‘ WHEREAS it is expedient, for the due Security of the Peace and Tranquillity of this Realm, that Provision should be made, for a Time to be limited, respecting Aliens arriving or resident in this Kingdom:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the

Power to Secretary of State or Lord Lieutenant of Ireland to order Aliens to depart this Realm.

If Aliens wilfully refuse to obey such Order, they may be committed to Gaol until taken in charge for the Purpose of being sent out of the Realm.

Penalty on Aliens disobeying such Order.

Aliens on neglecting to obey Order may be given in charge by Warrant of Secretary of State or Lord Lieutenant of Ireland, to be conveyed out of the Kingdom.

the same, That when and so often as One of Her Majesty's Principal Secretaries of State in that Part of the United Kingdom called *Great Britain*, or the Lord Lieutenant or other Chief Governor or Governors in that Part of the United Kingdom called *Ireland*, shall have Reason to believe, from Information given to him or them respectively, in Writing, by any Person subscribing his or her Name and Address thereto, that for the Preservation of the Peace and Tranquillity of any Part of this Realm it is expedient to remove therefrom any Alien or Aliens who may be in any Part of this Realm, or who may hereafter arrive therein, it shall be lawful for such Secretary of State in that Part of the United Kingdom called *Great Britain*, and for such Lord Lieutenant or other Chief Governor or Governors in that Part of the United Kingdom called *Ireland*, by Order under his or their Hand or Hands respectively, to be published in the *London* or *Dublin* Gazette, as the Case may be, to direct that any such Alien or Aliens who may be within *Great Britain* or *Ireland* respectively, or who may hereafter arrive therein, shall depart this Realm, within a Time limited in such Order; and if any such Alien shall knowingly and wilfully refuse or neglect to pay due Obedience to such Order, or shall be found in this Realm or any Part thereof, contrary to such Order, after such Publication thereof as aforesaid, and after the Expiration of the Time limited in such Order, it shall be lawful for any of Her Majesty's Principal Secretaries of State, or for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, or for any Justice of the Peace, or for the Mayor or Chief Magistrate of any City or Place, to cause every such Alien to be arrested, and to be committed to the Common Gaol of the County or Place where he or she shall be so arrested, there to remain, without Bail or Mainprize, until he or she shall be taken in charge for the Purpose of being sent out of the Realm, under the Authority herein-after given.

II. And be it enacted, That every such Alien so knowingly and wilfully refusing or neglecting to pay due Obedience to any such Order as aforesaid shall be guilty of a Misdemeanor, and being convicted thereof shall, at the Discretion of the Court, be adjudged to suffer Imprisonment for any Time not exceeding One Month for the First Offence, and not exceeding Twelve Months for the Second and any subsequent Offence.

III. And be it enacted, That it shall be lawful for any One of Her Majesty's Principal Secretaries of State, or the Lord Lieutenant or Chief Governor or Governors of *Ireland*, in any Case in which any Alien shall be found in this Realm after the Expiration of the Time limited in such Order, and whether he or she shall or shall not have been arrested or committed for Refusal or Neglect to obey such Order, or convicted of such Refusal or Neglect, and either before or after such Alien shall have suffered the Punishment inflicted for the same, by Warrant under his Hand and Seal, to give such Alien in charge to One of Her Majesty's Messengers, or to any other Person or Persons

sons to whom he shall think proper to direct such Warrant, in order to such Alien being conveyed out of the Kingdom; and such Alien shall be so conveyed accordingly: Provided always, that where such Alien (not having been convicted as aforesaid) shall allege any Excuse for not complying with such Order, or any Reason why the same should not be enforced, or why further Time should be allowed him or her for complying therewith, it shall be lawful for the Lords of Her Majesty's Privy Council in *Great Britain* or in *Ireland*, as the Case may be, to judge of the Sufficiency of such Excuse or Reason, and to allow or disallow the same either absolutely or on such Condition as they shall think fit; and where such Alien shall be in Custody under such Warrant of any of Her Majesty's Secretaries of State or of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* as aforesaid, the Messenger or other Person in whose Custody he or she shall be, forthwith upon its being signified to him that such Excuse or Reason is alleged by such Alien, shall make known the same to such Secretary of State, or to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, as the Case may be, who, upon receiving such Notification, or in any Case in which he or they shall be informed that any such Excuse or Reason is alleged by or on behalf of any Alien to quit the Realm, shall forthwith suspend the Execution of such Warrant until the Matter can be inquired into and determined by the said Lords of Her Majesty's Privy Council; and such Alien, if in Custody under any such Warrant, shall remain in such Custody, or if not in Custody may be given in charge by any such Warrant as aforesaid, and shall remain in Custody until the Determination thereon shall be made known, unless in the meantime such Secretary of State, or the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, shall consent to or the said Lords shall make Order for the Release of such Alien, either with or without Security: Provided always, that the Lords of Her Majesty's Most Honourable Privy Council shall cause to be delivered to such Alien, in Writing, a general Summary of the Matters alleged against him or her, and shall allow him or her reasonable Time to prepare his or her Defence; and that it shall be lawful for him or her to summon and examine upon Oath Witnesses before the said Lords of Her Majesty's Most Honourable Privy Council, and to be heard before them, by himself or herself, or his or her Counsel, in support of the Excuse or Reason by him or her alleged.

Where any Alien shall allege any Excuse for not complying with Order, Privy Council to judge of the Sufficiency of the same.

Privy Council shall cause a Summary of Matters alleged against Alien to be delivered to him, &c.

IV. Provided always, and be it enacted, That in every Case in which Power is given by this Act to commit any Alien to Gaol without Bail or Mainprize it shall and may be lawful for any Justices of Her Majesty's Courts of Record at *Westminster* or in *Dublin*, or for any of the Barons in *Great Britain* or *Ireland*, being of the Degree of the Coif, or for the Lord Justice Clerk or any of the Commissioners of Justiciary in *Scotland*, if upon Application made he shall see sufficient Cause, to admit such Person to Bail, he or she giving sufficient Security for his

Judges may admit Aliens to Bail in all Cases, if they see sufficient Cause.

or her Appearance to answer the Matters alleged against him or her.

Where Alien shall not have been sent out of the Realm within One Month after Commitment, Judges, &c. empowered, where Application has been made, to continue in or discharge such Alien out of Custody.

V. Provided nevertheless, and be it enacted, That where any Alien who shall have been committed under this Act to remain until he or she shall be taken in charge for the Purpose of being sent out of the Realm shall not be sent out of the Realm within One Calendar Month after such Commitment, it shall in every such Case be lawful for any of the Justices of Her Majesty's Courts of Record at *Westminster* or in *Dublin*, or for any of the Barons in *Great Britain* or *Ireland*, being of the Degree of the Coif, or for the Lord Justice Clerk or any of the Commissioners of Justiciary in *Scotland*, or for any Two of Her Majesty's Justices of the Peace in any Part of the United Kingdom, upon Application made to him or them by or on the Behalf of the Person so committed, and upon Proof made to him or them that reasonable Notice of the Intention to make such Application had been given to some or One of Her Majesty's Principal Secretaries of State in *Great Britain*, or to the Lord Lieutenant or Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, according to his or their Discretion, to order the Person so committed to be continued in or discharged out of Custody.

Act not to extend to Ambassadors, &c., or Aliens who have resided in the Kingdom for Three Years.

VI. Provided always, and be it enacted, That nothing in this Act contained shall affect any Foreign Ambassador or other Public Minister duly authorized, nor any Person belonging to the diplomatic or domestic Establishment of any such Foreign Ambassador or Public Minister, registered as such according to Law, or being actually attendant upon such Ambassador or Minister, nor any Alien under the Age of Fourteen Years, or who shall have been residing within this Realm for Three Years next before the passing of this Act.

Duration of Act.

VII. And be it enacted, That this Act shall continue in force for One Year from the passing thereof, and until the End of the then next Session of Parliament.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be repealed or amended in the present Session of Parliament.

CAP. XXI.

An Act to consolidate and amend the Laws relating to Insolvent Debtors in *India*. [9th June 1848.]

9 G. 4. c. 73.

2 & 3 W. 4. c. 43.

‘ WHEREAS an Act was passed in the Ninth Year of the
 ‘ Reign of His late Majesty King *George* the Fourth,
 ‘ intituled *An Act to provide for the Relief of Insolvent Debtors*
 ‘ *in the East Indies until the First Day of March One thousand*
 ‘ *eight hundred and thirty-three*: And whereas a certain other
 ‘ Act was passed in the Second Year of the Reign of His late
 ‘ Majesty King *William* the Fourth, intituled *An Act to con-*
 ‘ *tinue until the First Day of March One thousand eight hun-*
 ‘ *dred and thirty-six an Act of the Ninth Year of His late*
 ‘ *Majesty, for the Relief of Insolvent Debtors in India*, whereby
 ‘ the

' the said last-mentioned Act was continued in force until the
 ' First Day of *March* One thousand eight hundred and thirty-
 ' six: And whereas a certain other Act was passed in a Session
 ' of Parliament holden in the Fourth and Fifth Years of the
 ' Reign of His late Majesty King *William* the Fourth, inti-
 ' tuled *An Act to amend the Laws relating to Insolvent Debtors* 4 & 5 W. 4. c. 79.
 ' in India: And whereas by an Act passed in a Session of
 ' Parliament holden in the Sixth and Seventh Years of the
 ' Reign of His late Majesty King *William* the Fourth, inti-
 ' tuled *An Act to continue until the First Day of March* One 6 & 7 W. 4. c. 47.
 ' *thousand eight hundred and thirty-nine, and from thence to the*
 ' *End of the then next Session of Parliament, the several Acts*
 ' *relating to Insolvent Debtors in India*, the first-mentioned Act,
 ' as amended by the said Act of the Session of the Fourth and
 ' Fifth Years of the Reign of His late Majesty King *William*
 ' the Fourth, was continued in force until the First Day of
 ' *March* One thousand eight hundred and thirty-nine, and from
 ' thence to the End of the then next Session of Parliament:
 ' And whereas by a certain other Act of Parliament passed in a
 ' Session holden in the Third and Fourth Years of the Reign
 ' of Her present Majesty, intituled *An Act to continue until the* 3 & 4 Vict. c. 80.
 ' *First Day of March* One thousand eight hundred and forty-five,
 ' *and from thence to the End of the then next Session of Parlia-*
 ' *ment, the several Acts relating to Insolvent Debtors in India,*
 ' the said Acts of the Ninth Year of the Reign of King *George*
 ' the Fourth, and of the Session of the Fourth and Fifth Years
 ' of the Reign of King *William* the Fourth, were continued
 ' until the First Day of *March* One thousand eight hundred
 ' and forty-five, and from thence until the End of the then
 ' next Session of Parliament: And whereas by a certain other
 ' Act of Parliament passed in a Session holden in the Ninth and
 ' Tenth Years of Her present Majesty, intituled *An Act to con-* 9 & 10 Vict.
 ' *tinue until the First Day of March* One thousand eight hun- c. 14.
 ' *dred and forty-seven, and from thence to the End of the then*
 ' *next Session of Parliament, the several Acts relating to Insolvent*
 ' *Debtors in India*, the said Acts of the Ninth Year of the
 ' Reign of King *George* the Fourth, and of the Session of the
 ' Fourth and Fifth Years of the Reign of King *William* the
 ' Fourth, were continued until the First Day of *March* One
 ' thousand eight hundred and forty-seven, and from thence to
 ' the End of the then next Session of Parliament: And whereas
 ' it is expedient to consolidate the Provisions of the said Acts
 ' into One Act, and to amend the Laws relating to Insolvent
 ' Debtors in *India*:' Be it therefore enacted by the Queen's
 most Excellent Majesty, by and with the Advice and Consent
 of the Lords Spiritual and Temporal, and Commons, in this
 present Parliament assembled, and by the Authority of the
 same, That the said Acts of the Ninth Year of the Reign of
 King *George* the Fourth, and of the Session of the Fourth and
 Fifth Years of the Reign of King *William* the Fourth, shall be
 and the same are hereby continued until the Thirty-first Day of
July One thousand eight hundred and forty-eight, and that from
 and

Recited Acts
 9 G. 4. c. 73.
 and 4 & 5 W. 4.
 c. 79. repealed
 after 31st July
 1848, save as to
 Acts then done

and pending
under recited
Acts 6 & 7 W. 4.
c. 47.,
3 & 4 Vict. c. 80.,
and 9 & 10 Vict.
c. 14.

Courts esta-
blished under
9 G. 4. c. 73. for
Relief of Insol-
vent Debtors,
continued
with the same
Powers as here-
tofore.

A Court to be
holden once a
Month at least
in Calcutta,
and as often as
found necessary
in Madras and
Bombay, by
any One Judge
of the respec-
tive Supreme
Courts.

and after that Day the same, and also the said Act of the Session of the Ninth and Tenth Years of the Reign of Her present Majesty, shall be and stand repealed, save as to all Acts, Matters, and Things which before then shall have been done under the Provisions of the said Three last-mentioned Acts or of any of them, and save as to all Rights, Exemptions, and Discharges whatsoever under and by virtue of any of the said last-mentioned Acts, and save as to all Matters and Things whatsoever under and by virtue of any of the said last-mentioned Acts which shall then be pending in any of the Courts for the Relief of Insolvent Debtors in *India*, or in any other Courts whatsoever, which shall be proceeded with in the like Manner, and have all the like Effects and Consequences, as if the said Acts hereby repealed had been in force, and had been permanently continued by this Act.

II. And be it enacted, That the Courts established under the first of the said recited Acts for the Relief of Insolvent Debtors in the *East Indies* shall be continued and shall continue to be Courts of Record, with all the same Powers as heretofore, and each shall continue to be styled "The Court for the Relief of Insolvent Debtors," and to be holden before any One Judge of the Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively, within the respective Limits of the said Towns of *Calcutta*, *Madras*, and *Bombay*, and that all the Officers of the said Courts respectively now established for the Relief of Insolvent Debtors in the *East Indies* shall be, until removed under the Provisions herein-after contained, the Officers of the said Courts hereby continued respectively, and that all Rules and Orders not repugnant to the Provisions of this Act now in force in the said Courts respectively, and all Tables of Fees now in force therein, shall, until the same are varied or repealed, continue in force in like Manner to all Intents and Purposes as if the Acts in force with respect to Insolvent Debtors before this Act comes into operation had been continued by this Act.

III. And be it enacted, That a Court for the Relief of Insolvent Debtors shall be holden once a Month at least throughout the Year, and oftener if need be, in *Calcutta*, and so often as may be found necessary within the Towns of *Madras* and *Bombay*, by any One Judge of the said Supreme Courts of Judicature respectively; and it shall be lawful for each of the said Courts to sit for the Despatch of Business at one and the same Time with the said Supreme Court of its Presidency; and every Advocate and Attorney of the said Supreme Courts at *Calcutta*, *Madras*, and *Bombay* respectively shall be entitled to practise in the way of his Profession in the Court for the Relief of Insolvent Debtors of that Presidency, and no other Persons shall practise as Advocates or Attornies in the said Courts for the Relief of Insolvent Debtors; and the said Supreme Courts of Judicature respectively shall have Power from Time to Time to make Rules to regulate the Proceedings of the Courts hereby continued for the Relief of Insolvent Debtors

Debtors to be holden within their respective Jurisdictions, and from Time to Time to vary and repeal, in whole or in part, any of the Rules and Orders and any Table of Fees now in force in the said Courts respectively for the Relief of Insolvent Debtors in the *East Indies*, and especially to provide in what Manner Notice shall be given to the Creditors of Parties applying for Relief under this Act, and in what Cases besides those mentioned in this Act Costs may be awarded, and shall prepare and cause to be sealed with their respective Seals a sufficient and proper List of Fees to be charged and received by the Officers of the said Courts for the Relief of Insolvent Debtors of their respective Presidencies, and shall certify under their Seals, and transmit to the President of the Board of Commissioners for the Affairs of *India*, Copies of such Rules and Lists of Fees to be laid before Her Majesty for Her Royal Approbation, Correction, or Revision; and other Copies of the same shall at all Times be fixed in conspicuous Places in the Courts for the Relief of Insolvent Debtors; and no other Fee or Gratuity shall be received or taken by any Officer or Attorney of such last-mentioned Courts, on any Pretence whatsoever, except such as shall be specified in such Lists.

IV. And be it enacted, That Her Majesty's Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively shall have Power from Time to Time to remove any of the Officers of the Courts hereby continued as the Courts for the Relief of Insolvent Debtors within their respective Presidencies, and to make such Reductions in the Number and in the Emoluments of such Officers as may be practicable, and to them shall seem fit, and from Time to Time to appoint such Persons as may be necessary to transact the Business of such Courts, and from Time to Time to annul all or any of such Appointments, and to reduce the Number of such Officers in case the Number of the same may be conveniently reduced; and that each of the said Courts hereby continued shall cause to be sealed with the Seal of the said Court all such Records, Proceedings, Documents, and Copies of the same as are herein-after expressly required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same, as the said Court shall at any Time direct; and that the said Courts respectively may adjourn any of their Sittings from Time to Time, and to such Time as may be requisite, and shall have Power to administer Oaths, or, in the Case of such Persons as shall object on the Ground of any religious or conscientious Scruples to take an Oath, solemn Affirmations, and shall examine all Parties and Witnesses upon Oath or such solemn Affirmation for the Purposes of this Act; and the said Courts respectively shall have the like Powers of issuing Commissions to take Evidence as now are or may be hereafter possessed by the Supreme Courts respectively of their several Presidencies, and shall have the like Powers of compelling the Attendance of the Insolvent and all other Parties at all Times when their Attendance may be deemed requisite by the said Court, and of all Witnesses or any other Persons who may

Power to Supreme Courts to remove and appoint Officers, and reduce Emoluments, from Time to Time.

Records, &c. to be sealed with the Seal of the Court.

Power to Court to adjourn Sittings and administer Oaths, &c.

Courts to have the same Power to issue Commissions, and compel Attendance of Insolvents and Production of Books, &c. as are now pos-

essed, or as
given to Com-
missioners of
Bankrupt under
6 G. 4. c. 16.

Power to
Courts to order
Prisoners to be
brought up
as often as
requisite.

Courts not to
award Costs
except in cer-
tain Cases.

Persons im-
prisoned for
Debts may
petition the
Court for Re-
lief according
to the Forms
in the Schedule
to this Act.

may be able to give any Information respecting the Debts, Estates, and Effects of such Insolvent, before the said Courts respectively, or before any Officer of the said Courts respectively, and of requiring and compelling the Production of Books, Papers, and Writings, as now are or may hereafter be possessed by the Supreme Courts respectively of the respective Presidencies, or as are given to Commissioners of Bankrupts by an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to amend the Laws relating to Bankrupts*; and each of the said Courts hereby continued for the Relief of Insolvent Debtors shall have Power to order any Prisoner whose Estate shall be vested in any Assignee under the Provisions of this Act, or of any of the Acts herein-before referred to, or any Prisoner who shall be a necessary and material Witness in any Matter pending in the said Court, to be brought before the said Court or Officer as often as shall be requisite, which Order alone shall be a sufficient Authority and Protection to the Gaoler or Officer or Person in whose Custody he may be for the Production of such Prisoner; and each of the said Courts shall have the Power of fining in a summary Way, and of committing until such Fine be paid, or of committing in the first instance without fining, all Persons guilty of Contempt of the said Court, and of fining in a summary Way, and of removing, any of the Officers of the said Courts who shall be guilty of Negligence, wilful or unnecessary Delay, or other Misconduct: Provided always, that the said Courts for the Relief of Insolvent Debtors shall not have the Power of awarding Costs against any Person, except in Cases in which it is expressly permitted by this Act, or in which it shall be expressly permitted by any Rules which shall be made by the said Supreme Courts respectively as to Costs to be awarded in the said Courts for the Relief of Insolvent Debtors respectively.

V. And be it enacted, That from and after the Time appointed for this Act to take effect any Person who shall be in Prison within the respective Limits of the Towns of *Calcutta*, *Madras*, and *Bombay*, upon any Process whatsoever, for or by reason of any Debt, Damages, Costs, or Money which such Person is solely or jointly with any other liable to pay, or for or by reason of any Contempt of any Court whatsoever for Nonpayment of Money only, or of Costs taxed or untaxed, either ordered to be paid, or to the Payment of which such Person would be liable in clearing such Contempt, or in any Manner in consequence of or by reason of such Contempt, or who shall reside within the Jurisdiction of any of the Supreme Courts at *Calcutta*, *Madras*, and *Bombay* respectively, and, being indebted on account of any such Liability as aforesaid, shall be in insolvent Circumstances, may at any Time apply by Petition to the Court for the Relief of Insolvent Debtors within the Presidency where such Insolvent Debtor shall then be, for the Benefit of the Provisions of this Act, which Petition may be in the Form in the Schedule (A.) to this Act, or the Schedule (B.) to this Act, (as
the

the Case may require,) with such Additions and Variations as may be necessary to adapt it to the particular Case; and such Petition shall be subscribed by the said Prisoner, and shall forthwith be filed in the said Court to which it shall be presented; and if any such Person as aforesaid shall be jointly indebted, it shall be lawful for them to apply jointly by Petition, in such Manner as is herein-before mentioned, and under such joint Petition the joint Estate and the separate Estates of such Petitioners shall be dealt with and distributed.

VI. And be it enacted, That where any such Petition for Relief as is aforesaid shall be presented by any such Insolvent to the said Court for the Relief of Insolvent Debtors, the Party presenting the Petition, at the same Time, or within such further Time as the said Court may deem reasonable, shall deliver into the Court a Schedule in the Form in the Schedule (C.) to this Act annexed, with such Additions and Variations as may be necessary to adapt it to the particular Case, containing a full and true Description as to all Matters and Things required to be set forth therein, so far as the same can be described or set forth, and the said Schedule shall be subscribed by such Petitioner, and shall forthwith be filed in the said Court.

Party petitioning to deliver in a Schedule in the Form in Schedule (C.)

VII. And be it enacted, That upon the filing of any such Petition as is aforesaid, it shall be lawful for the said Court and the said Court is hereby authorized and required to order that all the Real and Personal Estate and Effects of such Petitioner, whether within the Territories within the Limits of the Charter of the *East India* Company or without, except the Wearing Apparel, Bedding, and other such Necessaries of such Petitioner and his Family, and the Working Tools and Implements of such Petitioner and his Family, not exceeding in the whole the Value of Company's Rupees Three hundred for each Petitioner with his Family, and all Debts due to him, and all the future Estate, Right, Title, Interest, and Trust of the said Petitioner in or to any Real or Personal Estate or Effects within or without the said Territories which such Petitioner may purchase, or which may revert, descend, be devised or bequeathed, or come to him, and all Debts growing due to him before the Court shall have made its Order in the Nature of a Certificate as herein-after mentioned; do vest in the Official Assignee for the Time being of the said Court, and that all Books, Papers, Deeds, and Writings in any way relating to such Petitioner's Estate and Effects in his Possession, or under his Custody or Control, shall be deposited with such Assignee, and such Order shall be entered of Record in the said Court, and such Notice thereof shall be published as the said Court shall direct; and such Order, when so made, shall by virtue of this Act relate back to and take effect from the filing of the said Petition, and shall instantly, and without any Conveyance or Assignment, vest all the Real and Personal Estate, Effects, and Debts as aforesaid in the said Official Assignee, who shall have full Powers for the Recovery thereof, and shall hold and stand possessed of the same for the Purposes and in manner herein-after mentioned: Provided always, that in case,

Upon filing Petition the Real and Personal Estate of Petitioner to be vested in Official Assignee as Court shall direct.

In case, after making Vesting after

Order, Petition be dismissed, the same to be null and void; but all Acts done by any Assignee, &c. under this Act to be held valid.

after the making of any such Vesting Order, the Petition of any such Petitioner shall be dismissed by the said Court, such Vesting Order made in pursuance of such Petition shall from and after such Dismissal be null and void to all Intents and Purposes: Provided also, that in case any such Vesting Order as aforesaid shall become null and void by the Dismissal of such Petition, all Acts theretofore done by any Assignee or other Person acting under his Authority according to the Provisions of this Act shall be good and valid, and no Action or Suit shall be commenced against any such Assignee, nor against any Person duly acting under his Authority, except to recover any Property of such Petitioner detained after an Order made by the said Court for the Delivery thereof, and Demand made thereupon; and until the Appointment of an Official Assignee as herein-after is directed the Common Assignee of the Court shall stand and be in the Place of the Official Assignee, and this present Clause shall apply and have effect accordingly.

Lying in Prison 21 Days for Debt shall be deemed an Act of Insolvency, on which Creditor may petition.

VIII. And be it enacted, That from and after the Time appointed for this Act to take effect, if any Person who shall be in Prison within the respective Limits of the Towns of *Calcutta*, *Madras*, and *Bombay*, charged in Execution for any Debt or Damages, or any Costs or Sum or Sums of Money, or committed for or by reason of any Contempt of any Court whatsoever for Nonpayment of Money, or of Costs taxed or untaxed, either ordered to be paid, or to the Payment of which such Person would be liable in clearing such Contempt, or in any Manner in consequence or by reason of such Contempt, shall not, within Twenty-one Days next after such Prisoner shall have been so charged in Execution or committed as aforesaid, make Satisfaction to the Creditor or Creditors at whose Suit such Prisoner shall have been so charged in Execution, or committed for such Debt, Damages, Costs, Sum or Sums of Money, or to the Person or Persons entitled to the Money for Nonpayment of which such Prisoner shall have been in Contempt, or to the Payment of which such Prisoner would be liable in consequence or by reason of such Contempt, then and in any of the said Cases it shall be lawful for any such Creditor or Creditors, or Person or Persons entitled to such Money as aforesaid, to present a Petition to the Court for the Relief of Insolvent Debtors of the Presidency within which such Person shall have been so imprisoned, which Petition may be in the Form No. 1. in the Schedule (D.) to this Act annexed, with such Additions or Variations as may be necessary to adapt it to the particular Case; whereupon, and upon such Petition being duly verified, it shall be lawful for the Court to adjudge that such Prisoner has committed an Act of Insolvency: Provided always, that it shall be lawful for the said Court, upon the Petition of any Person adjudged to have committed an Act of Insolvency as aforesaid, and upon Proof of Notice to the Creditor or Creditors upon whose Petition such Adjudication shall have been made, to revoke or confirm such Adjudication.

Court may, upon Petition, revoke or confirm Adjudication.

IX. And be it enacted, That if any Person who, by an Act passed in the Sixth Year of the Reign of King George the Fourth, intituled *An Act to amend the Laws relating to Bankrupts*, or an Act passed in the Session held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for the Amendment of the Law of Bankruptcy*, or any other Act now in force or hereafter to be passed, would be deemed a Trader liable to become Bankrupt, having been arrested or committed to Prison for Debt, or for or by reason of any Contempt of any Court whatsoever, for Nonpayment of Money only, or of Costs taxed or untaxed, either ordered to be paid, or to the Payment of which such Person would be liable in clearing such Contempt, shall, upon such or any other Arrest or Commitment for Debt or Nonpayment of Money or Costs as aforesaid, lie in Prison Twenty-one Days, or, having been arrested or committed to Prison for any other Cause, shall be in Prison for Twenty-one Days after any Detainer for Debt, Nonpayment of Money or Costs as aforesaid, lodged against him and not discharged, or if any such Person shall depart from within the Limits of the Jurisdiction of any of the said Supreme Courts with Intent to defeat or delay his Creditors, or with the like Intent depart from his usual Place of Business or Abode within the said Jurisdiction, or make with like Intent any fraudulent Gift, Grant, Conveyance, Delivery, or Transfer of any of his Lands, Tenements, Money, Goods, or Chattels, or fraudulently with like Intent suffer his Lands, Money, Goods, or Chattels to be taken in Execution, attached, or sequestered, it shall be lawful for any Person being a Creditor, or for Two or more Persons being Partners in Trade and Creditors to the Amount of Company's Rupees Five hundred, or for any Two Creditors to whom such Person shall be indebted to the Amount of Seven hundred Company's Rupees, or for any Three or more Creditors to whom such Person shall be indebted to the Amount of Company's Rupees One thousand, to present a Petition to the Court for the Relief of Insolvent Debtors of the Presidency within which such Person shall have been so imprisoned or have resided at the Time of such Departure, or of such fraudulent Gift, Grant, Conveyance, Delivery, Transfer, or fraudulent Execution, Attachment, or Sequestration, which Petition may be in the Form No. 2. in the Schedule (D.) to this Act annexed, with such Additions and Variations as may be necessary to adapt it to the particular Case; whereupon, and upon such Petition being duly verified, it shall be lawful for the Court to adjudge that such Person has committed an Act of Insolvency: Provided always, that it shall be lawful for the said Court, upon the Petition of any Person adjudged to have committed an Act of Insolvency as aforesaid, and upon Proof of Notice to the Creditor or Creditors upon whose Petition such Adjudication shall have been made, to revoke or confirm such Adjudication.

Parties subject to the Bankrupt Laws lying in Prison 21 Days, or departing the Jurisdiction with Intent to defeat or delay their Creditors, or with like Intent make any fraudulent Gift, &c. shall be deemed to have committed an Act of Insolvency, on which Creditors may petition.

Court may, upon Petition, revoke or confirm Adjudication.

X. And be it enacted, That every Person who shall have given Credit to any Trader upon valuable Consideration for any sum payable at a certain Time, which Time shall not have arrived

Creditor whose Demand at the Time of Act of Insolvency is not due r

petition or join
in Petition.

On Adjudi-
cation of such
last-mentioned
Act of Insol-
vency, Vesting
Order to take
same Effect
as where the
Petition is
presented by
the Insolvent ;

and Court in-
vested with
same Powers
as if such
Insolvent had
petitioned.

Powers of
Court to grant
Interim Order
for Protection
of Insolvents.

arrived when such Trader committed any Act of Insolvency within the Meaning of this Act, may so petition or join in petitioning as is aforesaid, whether he shall have had any Security for such Sum or not.

XI. And be it enacted, That upon any such Adjudication being made as herein-before is mentioned, the said Court is hereby authorized and required to make the like Vesting Order as herein-before is authorized to be made in the Case of a Petition by an Insolvent Debtor, which said Vesting Order shall in like Manner be entered of Record and notified as is herein-before mentioned, and shall, when made, take effect by Relation from the filing of the Petition on which the Adjudication shall have proceeded ; and such Order shall, when made, vest in like Manner all the said Estate and Effects, Right, Title, and Interest, Trust and Debts of the Insolvent in the Official Assignee, in like Manner, and as fully and with the like Effect as is herein-before mentioned, and which said Vesting Order shall, in case of the Adjudication being for any Reason revoked, be thenceforth null and void, to all Intents and Purposes, in like Manner, and with the like Effect, and under the same Qualifications as herein-before is mentioned.

XII. Provided always, and be it enacted, That after the Adjudication of an Act of Insolvency in any of the Cases aforesaid, it shall be lawful for the Court to direct, and it is hereby required to direct, the Insolvent to file, within a Time to be named by the Court, and the said Insolvent is hereby directed and required to file accordingly, a Schedule in the Form in Schedule (C.) to this Act annexed, in the Court by which such Adjudication shall have been pronounced ; and the Court shall be at liberty to proceed thereupon in like Manner as in the Case of an Insolvent presenting a Petition for Relief under this Act.

XIII. And be it enacted, That in any Case where a Petition shall have been presented by an Insolvent Debtor as aforesaid, or an Act of Insolvency shall have been adjudged to have been committed as aforesaid, it shall be lawful for the said Court, after the filing of the Schedule required by this Act, if under the Circumstances it shall appear proper, to make an Interim Order for the Protection of the Insolvent from Arrest, and any such Interim Order may apply either to all the Debts or Liabilities mentioned in the said Schedule, or to any of them, as the Court may think proper, and may commence and take effect at such Time as the Court shall direct ; and any such Order may be recalled and may be renewed as to the Court may appear proper ; and any such Order, when so made, shall protect the Person to whom it shall be given from being arrested or detained in Prison for any Debt or Liability to which such Order shall apply within the Limits of the Towns of *Calcutta*, *Madras*, and *Bombay* respectively, or any other Place within the Territories under the Government of the *East India Company* ; and any Person arrested or detained contrary to the Tenor and Effect of any such Order shall be

entitled

entitled to his Discharge out of Custody upon Application to any Court or Judge which or who shall have Power to set at large Persons illegally detained in Custody under the Process by virtue of which such Person shall have been arrested or be so detained: Provided always, that no such Order shall operate as a Release or Satisfaction of the Debt or Demand of any Creditor, nor prejudice the Right of any such Creditor to arrest the Insolvent, whether he shall or not have been previously arrested for the same Debt or Demand, in case the Order shall be recalled, or shall fall by reason of the Petition of the Insolvent being dismissed, or the Adjudication being reversed.

Such Order not to operate as a Release, &c. in certain Cases.

XIV. And be it enacted, That as soon as this Act shall come into operation there shall be appointed by the Chief Justice of the Supreme Court at each of the said Presidencies, or in the Case of any Vacancy in the Office of Chief Justice then by the Senior Judge for the Time being of such Court, One Person to each Court for the Relief of Insolvent Debtors in each of the said Presidencies respectively, to be the Official Assignee in all Insolvencies in the course of Prosecution at the Time when this Act shall take effect, or to be afterwards prosecuted in the said Court; and every such Official Assignee shall at all Times be, by virtue of such his Appointment, and without any other Assignment, an Assignee of every such Insolvent's Estate and Effects, together with any other Assignee or Assignees, or solely, according as there may or may not be then or afterwards any other Assignee or Assignees of such Estate or Effects.

Judges of Supreme Courts to appoint an Official Assignee for each Court.

XV. And be it enacted, That every such Official Assignee shall give such Security, and shall be subject to such Rules, and shall act in such Manner, as the Judges of the Supreme Court shall direct by any Rules and Orders of the said Court to be approved of by the Governor General of *India* in Council, and to be transmitted to the President of the Board of Commissioners for the Affairs of *India*, to be laid before Her Majesty for Her Royal Approbation, Correction, or Revision; and all the moveable Estate and Effects, and the Rents and Profits of all immoveable Estate, and the Proceeds of Sale of all the Estate and Effects of the Insolvent, shall in every Case be possessed and received by such Official Assignee alone, save where it shall be expressly directed by the Court for the Relief of Insolvent Debtors to be possessed and received by such Official Assignee and the Special Assignee or Assignees (if any), which the said Court shall have Power, if it think fit, to direct, and in all Cases of such Receipt and Possession shall, within Seven Days, be paid, delivered, or transferred by such Official Assignee, or such Official Assignee and other Assignee or Assignees, as aforesaid, to and be kept in Deposit in such public Bank or other safe Place of Deposit, and be managed and dealt with as the Judges of the Supreme Court shall have directed or may direct by any Rules or Orders of the said Court, to be approved of by the Governor General in Council, and

Official Assignees to give Security, and be subject to Rules made by Supreme Court, &c.

Insolvents Estates to be received by Official Assignee alone, except when directed by the Court to be otherwise.

and to be transmitted for Approbation, Correction; or Revision in manner aforesaid.

As soon as
Official Assign-
nee appointed,
Office of Com-
mon Assignee
to cease, except
as to Acts
already done.

XVI. And be it enacted, That as soon as such Official Assignee shall be appointed to each of such Courts respectively the Office of Common Assignee shall cease and determine, but without Prejudice to any Acts, Matters, or Things previously done; and all Estates and Effects vested in him shall be divested, and vest in the Official Assignee instantly, by Operation of Law, by Force of the Appointment of such Official Assignee, without any Assignment; and upon the Death, Resignation, or Removal from Office of each such Official Assignee, another Official Assignee shall be appointed in his Place in the like Manner as upon the first of each of such Appointments.

On Application
of Creditors,
after Vesting
Orders, &c.
Court may
order an Elec-
tion of Assign-
nees by the
Creditors.

XVII. And be it enacted, That at any Time after the making of any such Vesting Order as aforesaid, or after any such Adjudication of Insolvency as aforesaid, if any Creditor or Creditors of any such insolvent Trader as aforesaid shall be desirous that an Assignee or Assignees of the Insolvent's Estate and Effects shall be chosen by the Creditors, he or they shall be at liberty to apply in Writing, by Petition to the Court, that such Election shall take place; and thereupon a Time and Place for such Election shall be appointed by the Court; and all Creditors whose Debts amount to One hundred Rupees and upwards, who shall be included in the Schedule as Creditors, or who shall have proved their Debts, shall be entitled to vote in such Choice, and the Choice shall be made by the major Part in Value of the Creditors so entitled to vote; and the Person or Persons so elected shall be appointed by the Court a Special Assignee or Special Assignees of the Estate of the said Insolvent; provided that any Creditor shall be at liberty to give Notice to any other Person whose Name is included in the Schedule of the Insolvent as a Creditor, but who shall not have proved his Debt, to prove his Debt before he shall be admitted to vote on such Election, and in such Case such Party shall not be entitled to vote until he shall have proved his Debt.

Power of Court
to remove
Assignees.

XVIII. And be it enacted, That the Court may at any Time, in case of the Unwillingness to act, Removal from out of the Jurisdiction of the Court, Incapacity or Misconduct of any Official Assignee, or of any Assignee appointed by the Court, on the Election of the Creditors, or for any other Cause appearing to the Court sufficient, by its Order annul such Appointment, and thereupon, or in the Case of the Death of any such Official Assignee or other Assignee, another shall be appointed; provided that if it be the Case of a chosen Assignee such Appointment shall not be made unless some Creditor or Creditors shall apply in Writing, by Petition to the said Court, that an Election of another Person as Assignee may be had, and thereupon the Court shall proceed in all respects in like Manner, and such Election shall be made, conducted, and declared in all respects in like Manner, as is herein-before

Mode of
appointing or
electing others.

directed

directed as to the Election of Assignees by Creditors; and no Act or Thing done prior to the Order whereby such Appointment is so vacated shall be annulled or in any way affected.

XIX. And be it enacted, That no Remuneration whatever, whether in the Shape of Commission or otherwise, shall be received by any Assignee, except in the Manner nor beyond the Extent herein-after allowed; (that is to say,) the Court may allow a fair Remuneration to the Assignee or Assignees out of the Sum to be distributed as Dividends, and make an Order accordingly: Provided always, that the Court shall not have Power to order any Remuneration to be made to any Assignee or Assignees chosen by the Creditors unless the Creditors shall at the Time of the Election declare that some Remuneration is to be made to the Assignee or Assignees chosen by them, and at what Rate such Remuneration is to be made, and in such Case the Court shall have Power to reduce, but not to increase, the Amount of such last-mentioned Remuneration.

No Remuneration to be received by Assignee, except as herein provided.

XX. And be it enacted, That on every Appointment of a new Assignee the Estate, Effects, Rights, and Powers which would otherwise remain or be in the former Assignee or Assignees shall immediately, by virtue of such Appointment, and without any Conveyance or Assignment in any Case whatever, vest in the actual Assignee or Assignees, in trust for the Benefit of the Creditors of such Insolvent, in respect of and in proportion to their respective Debts, according to the Provisions of this Act; and all Books, Papers, Deeds, and Writings in any way relating to the Estate and Effects of the Insolvent shall be transferred to and deposited with such Assignee or Assignees as last aforesaid, and from Time to Time, on each Change of Assignees, shall be transferred to the Possession of the Assignee or Assignees for the Time being of such Insolvent; and the Court shall have Power to compel any Assignee or Assignees whose Appointment may be vacated, or the Heirs, Executors, Administrators, or Assigns of any Person once appointed such Assignee and deceased, to account for and deliver up all such Estates and Effects, Books, Papers, Writings, Deeds, and all other Evidences relating thereto, as shall have come to his or their Hands, and the Decision of the Court thereupon shall be final and conclusive; and whenever any Assignee shall die, or be removed from his Office, and any other Assignee or Assignees shall be appointed as aforesaid, no Action at Law or Suit in Equity brought or defended by him or them in the Character of Assignee or Assignees shall be thereby abated, but upon the Suggestion of each such Death, Removal, or new Appointment, such Action or Suit shall be prosecuted or defended in the Name of the existing Assignee or Assignees, and any Real and Personal Estate, Money and Effects, vested in or possessed by any Official Assignee shall not remain in him, if he shall resign or be removed from his Office, nor in his Heirs, Executors, or Administrators, in case of his Death, but shall in every such Case go to and be vested

Estate to vest, without Conveyance or Assignment, in new Assignee.

in his Successor in Office, by Relation, from the Time of his Resignation, Removal, or Death, as the Case may be; and every such Appointment of any Assignee other than the Official Assignee shall be entered of Record of the said Court, and such Notice thereof shall be published as the said Court shall direct, and every such Assignee so appointed shall be liable to the Control of the Court, in like Manner as any Officer of the said Court.

Power of
Assignees.

XXI. And be it enacted, That every such Assignee as aforesaid shall with all convenient Speed take possession, by himself, or by means of Messengers of the Court, or by other fit and proper Persons, of all the Real and Personal Estate and Effects of the Insolvent of which immediate Possession may be obtained, and shall use his best Endeavours to seize, obtain, recover, and reduce into Possession, as speedily as possible, the rest of such Estate and Effects, and all Debts, Claims, and Choses in Action, which by virtue of his Appointment under this Act, and of the Vesting Order or Adjudication aforesaid, he shall have been empowered to obtain, recover, and get in.

After Vesting
Order, no Dis-
tress for Rent
previously due
shall be made,
but Landlord
to prove for
the Amount.

XXII. And be it enacted, That after any such Vesting Order shall be made as aforesaid no Distress for Rent due before such Vesting Order shall be made upon the Goods and Effects of the Insolvent; but the Landlord or Party to whom the Rent should be due shall be entitled to prove, in respect of such Rent so due as aforesaid, whether the same shall or not be inserted in the Schedule of the Insolvent, and to receive a Dividend in respect of the said Rent, and shall not, unless the Petition of such Insolvent be dismissed, or the Adjudication be reversed, be entitled to distrain for the said Rent.

Property in the
Order and
Disposition of
Insolvent to be
deemed his
Property.

XXIII. And be it enacted, That if any such Insolvent shall, at the Time of filing his Petition, or at the Time of filing the Petition on which an Adjudication of Insolvency shall be made by the Consent and Permission of the true Owner thereof, have in his Possession, Order, or Disposition any Goods or Chattels whereof such Insolvent is reputed Owner, or whereof he has taken upon him the Sale, Alteration, or Disposition as Owner, the same shall be deemed to be the Property of such Insolvent, so as to become vested in the Official Assignee of the Court by the Order made in pursuance of this Act; provided that no Assignment or Transfer of any Ship or Vessel, or any Share thereof, made as a Security for any Debt either by way of Mortgage or Assignment, duly registered according to the Provisions of any Act or Acts of Parliament now in force or hereafter to be passed, for the registering of *British Vessels*, shall be invalidated or affected by reason of such Possession, Order, or Disposition of the same as aforesaid.

Mortgages of
Ships or Vessels,
or Shares
thereof duly
registered, not
to be invalidated
or affected.

Fraudulent
Conveyances,
&c. made by
Insolvent
within Two
Months before
Insolvency, to
be void.

XXIV. And be it enacted, That if any Insolvent who shall file his Petition for his Discharge under this Act, or who shall be adjudged to have committed an Act of Insolvency, shall voluntarily convey, assign, transfer, charge, deliver, or make over any Estate, Real or Personal, Security for Money, Bond, Bill, Note, Money, Property, Goods, or Effects whatsoever, to any
Creditor,

Creditor, or to any other Person in trust for or to, or for the Use, Benefit, and Advantage of any Creditor, every such Conveyance, Assignment, Transfer, Charge, Delivery, and making over, if made when in insolvent Circumstances, and within Two Months before the Date of the Petition of such Insolvent, or of the Petition on which an Adjudication of Insolvency may have proceeded, as the Case may be, or if made with the View or Intention, by the Party so conveying, assigning, transferring, charging, delivering or making over, of petitioning the said Court for his Discharge from Custody under this Act, or of committing an Act of Insolvency, shall be deemed and is hereby declared to be fraudulent and void as against the Assignees of such Insolvent.

XXV. And be it enacted, That if any such Insolvent as aforesaid shall at any Time before he shall have obtained his Discharge in the Nature of a Certificate herein-after mentioned be entitled to or possessed of, in his own Right, any Government Stock, Funds, or Annuities, or any of the Stocks or Shares in any public Company, either in *England, Scotland, or Ireland*, or the Territories under the Government of the *East India Company*, it shall be lawful for the said Court, upon the Application of any Assignee or any Creditor of such Insolvent whose Debt or Demand against such Insolvent shall have been admitted or established in the Matter of the said Insolvency, whenever it shall deem fit so to do, to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name or Names of such Assignee or Assignees as aforesaid; and all such Persons whose Act or Consent is so necessary as aforesaid are hereby indemnified for all Things done or permitted pursuant to such Order: Provided always, that in all Transfers into the Name or Names of any such Assignee or Assignees, the Transferee or Transferees shall be described as Assignee or Assignees of the Estate and Effects of the Insolvent, and no Dividend shall be paid to, nor any future Transfer made by, any Person of any such Stock, Funds, Annuities, or Shares, except under a Power of Attorney, in the usual Form required for the Receipt of Dividends upon or Transfer of such Stock, Funds, Annuities, and Shares respectively, duly executed by such Assignee or Assignees, and attested by Two credible Witnesses, One of whom shall be an Officer of such Court for Relief of Insolvent Debtors, and to which Attestation the Seal of such Court shall be affixed.

Government
Stocks, Funds,
&c. standing
in the Name of
Insolvent to be
transferred to
the Name of
Assignee.

XXVI. And be it enacted, That in case any Person shall, after any such Insolvent shall have petitioned for his Discharge under this Act, or have been adjudged to have committed an Act of Insolvency, and before the said Insolvent shall have obtained his Discharge in the Nature of a Certificate as herein-after mentioned, be possessed of or have under his Power or Control any Property whatsoever of such Insolvent, other than any such Government Stock, Funds, or Annuities as aforesaid, or other than any of the Stock or Shares in any public Company either in *England, Scotland, or Ireland*, or within the

Persons holding
Property of
Insolvent,
except Stocks,
&c., or in-
debted to him,
to transfer the
same, and make
Payment of
Debts to the
Assignee.

Limits aforesaid, or to which such Insolvent may be in any way entitled, either under any Trust, express or implied, or otherwise held for his Use and Benefit, or in case any such Person shall be at any such Period indebted to such Insolvent, it shall be lawful for the said Court, upon the Application of any Assignee or any Creditor of such Insolvent whose Debt or Demand shall have been admitted or established in the Matter of the said Insolvency, to cause Notice to be given to such Person, directing him to hold and retain the said Property till the said Court shall make further Order concerning the same; and thereupon it shall be lawful for the said Court further to order such Person to deliver over such Property, and to pay such Debts as aforesaid, or any Part thereof, to the Assignee or Assignees of the Estate and Effects of such Insolvent, for the general Benefit of the Creditors of such Insolvent; and such Delivery and Payment shall be made accordingly in obedience to such Order, and such Person shall by such Payment and Delivery, so made in pursuance of such Order of the said Court, be discharged in respect of such Property and Debts against all Persons whatsoever to all Intents and Purposes.

Offices, &c. held by Insolvent, if unsaleable, may be charged with proportionate Payment to Assignee, if saleable shall vest in Assignee.

XXVII. And be it enacted, That if any such Insolvent as aforesaid shall, at any Time before he shall obtain his Discharge in the Nature of a Certificate as herein-after mentioned, hold any public Office, Appointment, or Benefice, Civil, Military, or Ecclesiastical, not saleable, or shall be in any Situation or Employment whatsoever in respect of which he shall receive any Salary or Emolument, or shall be in the Receipt of any Pension, then it shall be lawful for the said Court to order the said Insolvent to pay such Proportion of his Receipts therefrom to his Assignee as the said Court shall think right; and all saleable Offices, Appointments, or Benefices shall vest, by virtue of the Vesting Order as aforesaid, in the Official Assignee, in trust for the Creditors of such Insolvent as aforesaid.

Power of Assignee, with Consent of Creditors, to take Composition, and to submit Disputes, &c. to Arbitration.

XXVIII. And be it enacted, That it shall be lawful for the Assignee or Assignees, with the Leave of the Court first obtained, upon Application to such Court, and by and with such Notice to such Creditors as it shall think fit to direct, to take such reasonable Part of any Debts due to the Insolvent as may by Composition be gotten, in full Discharge of such Debts, and to submit to Arbitration any Difference or Dispute between the Assignee or Assignees and any other Person or Persons for or on account or by reason of any thing relating to the Estate and Effects of such Insolvent.

Powers of Assignee to institute and defend Actions and Suits.

XXIX. And be it enacted, That it shall be lawful for the Assignee or Assignees, with Leave of the Court first obtained, to commence, prosecute, or defend any Suits or Actions at Law or in Equity which the Insolvent might have commenced and prosecuted or defended, and to defray the Costs to which he may be put in respect of such Suits or Actions out of the Proceeds of the Estate and Effects of the Insolvent; and if there be any Partner of the Insolvent who hath not joined in the Petition, it shall be lawful for the Court to authorize the

Proviso as to Persons in Partnership with Insolvent.

Assignee

Assignee to join such Partner with himself as Plaintiff in such Suit or Action; and if such Partner shall execute any Release of the Debt or Demand for which such Suit or Action is brought, the Release shall be void: Provided always, that such Partner, if he shall take no part in the Prosecution or Defence of such Suit or Action, shall not be liable to pay Costs in respect of the same; and it shall be lawful for such Court, upon the Application of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as the said Court shall direct.

XXX. And be it enacted, That all Powers vested in any such Insolvent which he might lawfully execute for his Benefit shall be and are hereby vested in the Assignee or Assignees of the Real and Personal Estate of such Insolvent or Insolvents by virtue of this Act, to be executed by his Assignee or Assignees, for the Benefit of his Creditors.

Powers of Insolvent vested in Assignee for the Benefit of Creditors.

XXXI. And be it enacted, That the Assignee or Assignees shall, with all convenient Speed, make Sale of the Property and Effects of the Insolvent: Provided nevertheless, that the said Court shall have full Power and Authority, upon the Application of any Insolvent, or any Creditor or Mortgagee of such Insolvent, to delay or postpone the Sale of any Property, and to make such other Order respecting the same as to such Court shall seem meet.

Assignee to make sale of Insolvent's Estate.
Court may delay or postpone the Sale.

XXXII. 'And whereas Insolvents may be entitled to Annuities for their own Lives, or other uncertain Interests, or to reversionary or contingent Interests, or may have made Advances of Money for the Cultivation of Lands, or may be interested in Property in other Ways under such Circumstances that an immediate Sale and Payment of their Debts may be very prejudicial to them and to their Creditors, and it may be proper in some Cases to defer the Sale of their Property, or some Parts thereof, and to put it under temporary Management, or to authorize the raising of Money by way of Mortgage or otherwise for Payment of the Debts or Part of the Debts of an Insolvent, and for defraying the Expenses attending the Execution of this Act, instead of selling for such Purpose;' be it enacted, That in all such Cases it shall be lawful for the said Courts for the Relief of Insolvent Debtors at any Time to take into consideration all Circumstances affecting any Property of the Insolvent which shall have been vested under the Provisions of this Act; and if it shall appear to any Court that it would be reasonable to make any special Order touching the same, it shall be lawful for such Court so to do, and to direct that so much of the said Property as it may be expedient not to sell immediately according to the Provisions of this Act shall not be so sold, and from Time to Time to order and direct in what Manner such Property shall be managed for the Benefit of the Creditors of such Insolvent, until the same can be properly sold, or until Payment of such Creditors be effected according to the Provisions of this Act, and to make such Order touching the Sale or Disposition or

Discretionary Power vested in the Court as to immediate Sales of Property of Insolvents entitled to Annuities, or contingent or uncertain Interests therein.

Management of such Property as to such Court for Relief of Insolvent Debtors may seem reasonable and beneficial, and upon such Terms and Conditions with respect to the Allowance of Interest on Debts not bearing Interest, or other Circumstances, as to such Court shall seem just; and if it shall appear that the Debts of any such Insolvent can be discharged by means of Money raised by way of Mortgage or otherwise on any of the said Property of the said Insolvent, instead of raising the same by Sale, it shall be lawful for the said Court so to order, and to give all necessary Directions for such Purpose, and generally to direct all Things which may be proper for the Discharge of the Debts of such Insolvent in such Manner as may be most consistent with the Interest of such Insolvent and of his Creditors.

Assignees to keep Accounts of the Estates of Insolvents, with Liberty for Creditors to inspect the same.

XXXIII. And be it enacted, That the Assignee or Assignees shall keep Accounts of the Property, Debts, and Credits of such Insolvent, whether separate or joint, and of all Property of the Insolvent received by him or them, and all Payments made by him or them, which Accounts any Creditor shall be at liberty to inspect at all seasonable Times; and it shall be lawful for the Courts for the Relief of Insolvent Debtors to summon the Assignee or Assignees before them, and require him or them to produce all Books, Papers, Deeds, Writings, and other Documents in his or their Possession relating to the Matters of such Insolvency; and upon his or their Default, it shall be lawful for such Courts respectively to issue an Attachment or Attachments against the Party or Parties so making default, and to cause such Assignee or Assignees to be brought before them, and to commit such Assignee or Assignees to Prison until he or they shall submit to the Court by which he or they shall have been summoned.

Penalty on Assignee improperly dealing with Insolvent's Estate.

XXXIV. And be it enacted, That if any Assignee shall knowingly retain in his Hands, for his own Benefit, or employ for his own Benefit, or knowingly permit any Co-Assignee so to retain or employ any Sum, Part of the Estate of the Insolvent, or shall knowingly omit to invest or pay or deposit any Money or other Property in the Manner in which it may be his Duty for the Time being, according to Law, to invest, pay, or deposit the same, every such Assignee shall, besides being liable to be removed therefor from his Office of Assignee for Misconduct, be liable to be charged in his Accounts with such Sum as shall be equal to Interest at the Rate of Twelve *per Centum per Annum* on the Amount or Value of such Money or Property, or if any higher Interest shall have in fact been made, then to the Extent of the Interest actually made, and Five *per Centum per Annum* in addition thereto on all such Money or Property, for the Time during which he shall have so retained or employed the same, or permitted the same to be so retained or employed as aforesaid, or during which he shall have so neglected to invest or deposit the same as aforesaid, and the Court is hereby required to charge every such Assignee in his Accounts accordingly, and the Amount so charged shall constitute

constitute a Debt from him to such Estate; and if any Assignee indebted to the Estate of which he is such Assignee, in respect of Money so retained or employed by him as aforesaid, become insolvent, his Discharge under the Provisions of this Act shall only have the Effect of freeing his Person from Arrest and Imprisonment on account of such Debt; but his future Effects, excepting the Wearing Apparel, Bedding, and other hereinbefore mentioned Articles excepted out of the Operation of the Vesting Order aforesaid, and not exceeding the Value hereinbefore limited in that Behalf, shall remain liable for so much of his Debts to the Estate of which he was Assignee as shall not be paid by Dividends under such Insolvency, together with legal Interest for the whole Amount.

XXXV. And be it enacted, That after the Petition and Schedule of any Insolvent shall have been filed in any Court for the Relief of Insolvent Debtors, and after any such Adjudication of an Act of Insolvency shall have been pronounced as aforesaid, the Court shall cause Notice thereof to be given to any Creditor or Creditors of the Insolvent at whose Suit he may be detained in Custody, or the Attorney or Agent of such Creditor or Creditors, and to the other Creditors resident within the Limits of the Territories of the *East India Company*, as the Court shall direct; and Notice to the like Effect shall be twice at least published in the Gazette of the Presidency where such Court shall be holden; and the Court in such Notice shall appoint a Day and Place for the hearing of the Matters of the Petition of such Insolvent, and for hearing any other Applications in the Matter of the Insolvency.

After Petition and Schedule filed, and Adjudication, &c. Notice to be given to Creditors, and published.

Court in such Notice to appoint a Day for hearing.

XXXVI. And be it enacted, That upon the Day so appointed by the Court as aforesaid for such hearing as aforesaid, or on any future Day to which such hearing may be adjourned, it shall be lawful for the Insolvent and for any Creditor of the Insolvent, as the Case may require, to be heard, either by himself or by Counsel, in support of or in opposition to the Petition of the Insolvent, or on any other Application relating to the Insolvent or his Estate; and it shall also be lawful for the Court, on those or any other Occasions, and from Time to Time as often as Occasion may require, to order any Insolvent who is in Custody to be brought before it, and to summon any Insolvent who shall not be in Custody, and the Wife of any Insolvent, and any other Person, whether a Creditor or not, who may be known or suspected to have any of the Estate or Effects of the Insolvent in his or her Possession, or any Person who may be suspected to be indebted to the Insolvent, or any Person who is believed to be capable of giving any Information respecting the Estate and Effects of such Insolvent, or respecting his Acts, Dealings, or Conduct, or any Information which will more easily enable the Court to dispose of the Estate and Effects of the Insolvent for the Benefit of his Creditors; and it shall also be lawful for the Court to examine any Insolvent or his Wife, or any other such Person, whether a Creditor or not, in the same Way as any other Witnesses are examined in Her Majesty's

Course of Proceeding on hearing.

Supreme Court at that Presidency, in any Suits at Law or in Equity, or according to any Rules which may be made for the Practice of the said Courts for the Relief of Insolvent Debtors respectively, or for giving effect to this Act, in the Manner which is herein prescribed: Provided always, that every Witness summoned to attend before the Court shall have his necessary Expenses tendered to him in like Manner as by Law is required upon Service of a Subpœna to a Witness in an Action at Law.

Court may admit Affidavit instead of personal Appearance in case of Sickness, &c.

XXXVII. Provided also, and be it enacted, That in all Cases where any Creditor or other Person shall be prevented or hindered from attending the said Court, by reason of Sickness or Infirmary, or the Distance of his Residence, or other reasonable Cause, to be admitted by the Court, it shall be lawful for the Court to receive the Affidavit or solemn Affirmation of such Creditor or other Person, and also, if the Court shall think fit, to permit Interrogatories to be filed for the Examination or Cross-examination of any such Person.

Creditor whose Name is not included in the Schedule may claim and prove his Debt, and receive Dividends thereon.

XXXVIII. And be it enacted, That when any Petition shall have been presented under this Act by an Insolvent, or any Adjudication of an Act of Insolvency shall have been pronounced as aforesaid, it shall be lawful for any Person to whom any such Insolvent shall be indebted or liable in respect of any Debt or Demand which would have entitled such Person to be inserted as a Creditor in the Schedule of such Insolvent, to make Claim upon the Estate of such Insolvent, and to prove his Debt or Demand, whether due by such Insolvent solely or jointly with any other Person or Persons; and such Person shall be entitled to and receive a Dividend thereon rateably with the other Creditors of the said Insolvent, although the Name of such Creditor may have been wholly omitted by the said Insolvent in his or her Schedule, or may have been inserted for a smaller Amount than the Debt or Demand really due to such Person; and where any Objection to the Existence or Amount of such Debt or Demand shall be made by such Insolvent, or any Creditor, such Court shall hear the same, and may make such Order thereon as may seem meet and just.

Mutual Demands may be set off against each other.

XXXIX. And be it enacted, That when there has been mutual Credit given to the Insolvent and any other Person or Persons, One Debt or Demand may be set against the other.

All Debts, &c. proveable under Fiat in Bankruptcy pursuant to 6 G. 4. c. 16. may be proved under Insolvency.

XL. And be it enacted, That all such Debts, Dues, and Claims as might be proved under a Fiat of Bankruptcy bearing even Date with the Insolvent's Petition or the Adjudication (as the Case may be), according to the Provisions of the said Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to amend the Law relating to Bankrupts*, or any other Statute or Statutes now in force or hereafter to be passed relating to Bankrupts, may also be proved as is herein-before mentioned, in the same Manner and subject to the like Deductions, Conditions, and Provisions as in the said Statutes are or may be set forth and prescribed.

XLI. And

XLI. And be it enacted, That whenever it shall appear to the Court, either by the Accounts of any Assignee or Assignees, or otherwise, to be probable that a Dividend may be beneficially made amongst the Creditors, it shall be lawful for the Court to appoint a Day for the Purpose of making a Dividend, and to cause Notice thereof to be given, in such Manner as it shall direct; and on the Day appointed the Assignee or Assignees shall deliver in, upon Oath or solemn Affirmation, as the Case may be, a true Statement in Writing of all Money received by him or by them respectively, and when, and on what Account, and how the same have been employed; and the Court shall examine such Statement, and compare the Receipts with the Payments, and shall ascertain what Balances, if any, have been from Time to Time in the Hands of such Assignee or Assignees respectively; and on the said Day all Parties interested shall be heard, and all Objections to the Schedule of the Insolvent, and to the Accounts or Conduct of the Assignee or Assignees; and any Claims of any Creditors which shall not have been previously determined shall be heard and determined either by such Court immediately, or on a Reference to the Examiner or other Officer of the Court; and it shall be lawful for the Court to examine the Insolvent, the Assignees, and any Witnesses, either on Oath or Affirmation, and either at that Time to declare a Dividend, and to direct that the same shall be paid by the Assignee or Assignees, or to postpone such Declaration or Direction of the same until a further Hearing, and to make such Order as shall be just.

Power to Court to order Dividends to be declared, giving Notice of the same.

XLII. Provided always, and be it enacted, That it shall not be lawful for such Court to order any Dividend to be made amongst the joint Creditors out of the separate Estate until the separate Creditors shall have been paid in full, nor to order any Dividend to be made to the separate Creditors out of the joint Estate until all the joint Creditors shall have been paid in full; in which latter Case it shall be lawful for such Court to order such Dividend to be made among the separate Creditors out of such Interest in the joint Estate as such Insolvent shall appear to be entitled to.

As to Payment of Dividends out of separate Estates to joint Creditors, and out of joint Estates to separate Creditors.

XLIII. Provided always, and be it enacted, That unless it shall appear to the Satisfaction of such Court that all the Property of the Insolvent is situate, and all the Debtors and Creditors resident, within the Limits of the Charter of the *East India Company*, then, until the Expiration of Twelve Calendar Months from a Notice, to be published in the *London Gazette*, of the Petition or Adjudication of or against any Insolvent as herein-after is mentioned, the Assignee or Assignees shall reserve the full Amount of One Third Part of all the Property of the said Insolvent which shall have been got in, and shall make a Dividend amongst the Creditors of the said Insolvent to the Amount of the remaining Two Third Parts only, which Third Part so to be reserved as aforesaid shall in the meantime be invested or disposed of in such Way as such Court shall order, and shall not remain in the Hands of such Assignee or Assignees;

Unless the Court is satisfied that all the Estate of the Insolvent is within the Limits of the Charter, and all Debtors and Creditors reside therein, Assignee to reserve One Third Part undivided until after Twelve Months Notice, to be published in the *London Gazette*.

At Expiration
of Twelve
Months such
One Third to
be divided.

Assignees; and at the Expiration of the said Term of Twelve Calendar Months it shall be lawful for the Assignee or Assignees of such Insolvent to apply to such Court for a Return of the said Third Part so reserved as aforesaid, in order that the same may be so distributed amongst the Creditors as to place them all upon an equal Footing; and upon such Third Part so reserved as aforesaid being restored to such Assignee or Assignees, such Assignee or Assignees shall forthwith proceed to take an Account of the Debts of the said Insolvent admitted and established in the said Court, and of the Sum or Sums which shall or may have been paid by way of Dividend to any of such Creditors, and shall distribute the Fund then in the Hands of such Assignee or Assignees, so as to place all the Creditors of the said Insolvent, whether *Indian* or *British* or Foreign, upon a just and equal Footing, and so as that every Creditor whose Debt or Claim shall be admitted or established in the said Court shall receive a rateable and proportional Part of the Assets of the said Insolvent, according to the Amount of his Debt, without reference to the Time at which such Debt shall have been claimed.

If Creditors do
not appear to
claim Dividend,
Court may
order Payment
or Deposit
thereof in such
Way as it shall
see fit.

XLIV. And be it enacted, That if any Creditor whose Claim shall have been admitted or established in any Court for the Relief of Insolvent Debtors shall not appear, by himself, his Attorney or Agent, at the making of any Dividend, nor shall make Application to receive his Share thereof, the Assignee or Assignees shall certify the same to such Court at its first Sitting after the making of the Dividend, and it shall be lawful for the Court to direct in what Manner, and by whom, and upon what Conditions the Money so due to such Creditor shall be kept for or paid to him or to his lawfully constituted Attorney or Agent.

Power of Court
over Assignees
neglecting to
pay Dividends
or committing
Breach of
Duty as such
Assignees.

XLV. And be it enacted, That if any Assignee or Assignees shall neglect to pay any Dividend which shall have been ordered by any Court for the Relief of Insolvent Debtors, or in any other respect shall neglect or commit any Breach of his or their Duty as Assignee or Assignees, it shall be lawful for such Court, having first summoned the Assignee or Assignees to appear before it and answer the same, to order the Payment of such Dividend, with Interest at such Rate as the Court shall award, not exceeding Six Pounds *per Centum per Annum*, and to order the Assignee or Assignees to make such Compensation to any Party injured by such Neglect or Breach of Duty as to such Court shall seem fit, and in default of Obedience thereto to commit such Assignee or Assignees to the Common Gaol, there to remain without Bail until he or they shall obey the Order of such Court, and to levy by Distress and Sale of the Offender's Goods as much as shall be sufficient to satisfy the Order of the Court.

Court may
award Wages,
&c. to Servants
or Clerks not
exceeding Six

XLVI. And be it enacted, That if it shall appear to any of the said Courts for the Relief of Insolvent Debtors that any such Insolvent as aforesaid is indebted to any Servant or Clerk of such Insolvent in respect of Wages or Salary of such
Servant

Servant or Clerk, it shall be lawful for the said Court to order so much as shall be due as aforesaid, not exceeding Six Months Wages or Salary, to be paid to such Servant or Clerk out of the Estate of such Insolvent, and such Servant or Clerk shall be at liberty to prove and receive Dividends for any Sum exceeding such last-mentioned Amount.

Months, with Power to prove for any Sum beyond the same.

XLVII. And be it enacted, That upon Application to the Court for that Purpose, it shall be lawful for the Court to declare that the Insolvent is entitled to his personal Discharge under this Act, and to order the same accordingly, which Order of Discharge shall have the Effect of protecting his Person from Arrest in respect of all Demands inserted in his Schedule or established in the same Court; and if such Insolvent be in Custody, it shall be lawful for the Court to order his immediate Discharge from Custody accordingly, or to dismiss or give Leave to amend the Petition aforesaid, or to order the Insolvent to amend his Schedule, or to adjourn the Hearing until a future Day, or to make a Reference to the Examiner or other Officer of the said Court to make Inquiry into any Matter of Account, or into the Truth of the Schedule or Schedules, and to report thereon to the Court; and it shall also be lawful for the Court to remand the Insolvent to Prison, if a Prisoner, until a further Hearing, or until a further Time to be named in such Order, or to commit the Insolvent to Custody for any Debt or Demand, if he shall not be in Custody at the Time of the Hearing, and to cancel or renew any such Order as is herein-before mentioned which may have been given for the Purpose of affording interim Protection to the Insolvent from Arrest, and to order and direct that the Assignee shall make some reasonable Allowance for Maintenance of the Insolvent until final Order, the Amount of which shall be fixed by the Court, and shall not exceed Five Company's Rupees *per* Week; and the Court by which any Order of Discharge shall be made upon any such Hearing as is herein-before mentioned shall by such Order direct that the Assignee shall give such Notice of such Order as to the Court shall seem fit and convenient.

Court may, by Order of Discharge, protect Insolvent, or discharge from Custody, or dismiss, &c. Petition, or order to amend Schedule, or adjourn the Hearing, &c.

Court may remand Insolvent to Prison, &c., and order an Allowance for Maintenance.

XLVIII. And be it enacted, That the Discharge of any such Insolvent as aforesaid shall and may extend to any Sum or Sums of Money which shall be payable, by way of Annuity or otherwise, at any future Time or Times, by virtue of any Bond, Covenant, or other Security whatsoever, and to any Sum or Sums of Money payable at a certain Time, which Time shall not have arrived at the Time of the Act of Insolvency or Petition of such Insolvent; and that every Person and Persons who would be a Creditor of such Insolvent for such Sum of Money if the same were presently due, shall be admissible as a Creditor of such Insolvent for the Value of such Sum of Money so payable as aforesaid, which Value the said Court shall, upon Application at any Time made in that Behalf, ascertain; and such Creditor shall be entitled in respect of such Value to the Benefit of all the Provisions made for Creditors by this Act, without Prejudice, nevertheless, to the

Discharge to extend to any Sums payable by Insolvent by way of Annuity, &c.

Persons who would be Creditors if Monies were presently due, entitled to Benefit of Provisions of this Act.

Discharge to extend to Costs incurred before Insolvency.

Suits against the Insolvent pending at the Time of Insolvency, and all Proceedings therein, may be stayed, so far as relate to Debts contained in Insolvent's Schedule.

No Prisoner whose Estate is vested in Assignee to be discharged, as to certain Actions, &c. except under this Act.

the respective Securities of such Creditor, excepting as respects such Insolvent's Discharge under this Act; and the Discharge by virtue of this Act as to any Debt or Demand of any Creditor of the Insolvent shall be deemed to extend also to all Costs incurred by such Creditor before the Insolvency in any Action or Suit for the Recovery of the same, and to any Process of Contempt for enforcing the same, and to all Costs which the Insolvent would be liable to pay in clearing such Contempt; and that all Persons as to whose Demands for any such Costs as aforesaid the Discharge of the Insolvent is so to extend shall be deemed Creditors of the Insolvent in respect thereof, and entitled in respect thereof to the Benefit of all the Provisions made for Creditors by this Act, subject nevertheless to ascertaining the Amount of such Demands by Taxation or otherwise.

XLIX. And be it enacted, That if after the filing of any Insolvent's Schedule in the said Court for the Relief of Insolvent Debtors, and before such Insolvent shall obtain his Discharge in the Nature of a Certificate herein-after mentioned, any Suit or Action shall be pending against the Insolvent, his Heirs, Executors, or Administrators, in any Court within the Limits aforesaid, or any Execution or Process shall be sued out or issued from any of the said Courts, or be enforced against such Insolvent, his Heirs, Executors, or Administrators, for or in respect of any Debt or Demand admitted in the Schedule of the Insolvent, or disputed as to Amount only, the said Court in which such Action or Suit shall be pending, or from which such Execution or Process as aforesaid shall issue, on Proof to its Satisfaction that such Action or Suit, Execution or Process, is in respect of the Debt or Demand aforesaid, may stay the Proceedings in such Suit or Action, so far as the same respects the said Debt or Demand, until further Order of the said Court, and may set aside or suspend such Execution or Process, so far as the same respects the said Debt or Demand, until further Order of the said Court, as it shall think fit; and in such Case the Plaintiff shall pay all Costs reasonably incurred by such Insolvent, his Heirs, Executors, or Administrators, by reason of such Proceedings, and such Execution and Process as aforesaid, subsequent to such Plaintiff's having Notice of his Debt or Demand being included in such Schedule as aforesaid: Provided always, that no Prisoner whose Estate shall by an Order under this Act have been vested in the said Official Assignee shall after such Order, and whilst the same is in force, be discharged out of Custody otherwise than under the Provisions of this Act, as to any Action, Suit, or Process, or concerning any Demand with respect to which an Order of Discharge can, under the Provisions of this Act, be made; nor shall such Action, Suit, or Process abate, be discontinued, terminated, or dismissed, or the Plaintiff be in any way subject to pay Costs, by reason merely of his not having taken any further Step in such Cause, Suit, or Process, or his forbearing to proceed with the same, after such Vesting Order as aforesaid.

L. And

L. And be it enacted, That in case it shall appear to any Court for the Relief of Insolvent Debtors that any such Insolvent has fraudulently, with the Intent to conceal the State of his Affairs, or to defeat the Objects of this Act, destroyed or otherwise wilfully prevented or purposely withheld the Production of any Book, Paper, or Writing relating to such of his Affairs as are subject to Investigation under this Act, or kept or caused to be kept false Books, or made false Entries in, or withheld Entries from, or wilfully altered or falsified any such Book, Paper, or Writing, or that such Insolvent has fraudulently, with Intent of diminishing the Sum to be divided among his Creditors, or of giving an undue Preference to any of the said Creditors, discharged or concealed any Debt due to or from the said Insolvent, or made away with, charged, mortgaged, or concealed any Part of his Property, of what Kind soever, such Court shall have Power to adjudge that the Insolvent shall be imprisoned for a Period or Periods not exceeding Two Years in the whole, as such Court shall direct, and to declare him entitled to his Discharge as aforesaid at the Expiration of the Term of Imprisonment to which he shall be sentenced, and by Warrant under the Seal of the Court to order him to be arrested and committed to Prison, and there to be detained accordingly.

Penalty on Insolvent fraudulently concealing his Effects, or destroying or falsifying Books, or giving undue Preference, or contracting Debts by Breach of Trust, &c.

LI. And be it enacted, That in case it shall appear to any such Court that such Insolvent shall have contracted any of his Debts fraudulently, or by means of Breach of Trust, or by means of false Pretences, or without having any reasonable or probable Expectation at the Time when contracted of paying the same, or shall have fraudulently or by means of false Pretences obtained the Forbearance of any of his Debts by any of his Creditors, or shall have put any of his Creditors to any unnecessary Expense, by any vexatious or frivolous Defence or Delay, to any Suit for recovering any Debt or any Sum of Money due from such Insolvent, or shall be indebted in Costs incurred in any Action or Suit vexatiously brought or defended, or shall be indebted for Damages recovered in any Action for Criminal Conversation with the Wife, or for seducing the Daughter or Servant of the Plaintiff in such Action, or for Breach of Promise of Marriage made to the Plaintiff in such Action, or for Damages recovered in any Action for a malicious Prosecution, or for a Libel or for Slander, or Assault or Battery, or malicious Arrest, or in any other Action for a malicious Injury done to the Plaintiff therein, or in any Action of Tort or Trespass to the Person or Property of the Plaintiff therein, wherein it shall appear to the Satisfaction of such Court that the Injury complained of was malicious, or if it shall appear that the Insolvent's whole Debts so greatly exceed his Means of providing for the Payment thereof during the Time when the same were in the Course of being contracted, reference being had to his actual and expected Property, as to show gross Misconduct in contracting the same, then and in every such Case it shall and may be lawful for such Court to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid forthwith, excepting as to any Debts, Sum or Sums of Money,

Insolvents fraudulently, vexatiously, frivolously, or maliciously contracting certain Debts not entitled to Discharge.

or

or Damages to be specially mentioned in the Order, and as to such Debt or Debts, Sum or Sums of Money, or Damages, to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid as soon as he shall have been in Custody, at the Suit of the Person or Persons who shall be Creditor or Creditors for the same respectively, for such Period or Periods, not exceeding Two Years in the whole, as such Court shall direct.

Where Insolvent is ordered to be discharged after Imprisonment, he may still be liable to be arrested and charged in Custody at the Suit of certain Creditors.

LII. And be it enacted, That in all Cases where it shall have been ordered that any such Insolvent shall be discharged from Imprisonment as aforesaid at some future Period, such Insolvent shall be subject and liable to be detained in Prison, and to be arrested and charged in Custody, at the Suit of any One or more of his Creditors with respect to whom it shall have been so ordered, at any Time before such Period shall have arrived, in the same Manner as he would have been subject and liable thereto if this Act had not passed: Provided nevertheless, that when such Period shall have arrived such Insolvent shall be entitled to the Benefit and Protection of this Act, notwithstanding that he may have been out of actual Custody during all or any Part of the Time mentioned in such Order, by reason of such Insolvent not having been arrested or detained during such Time, or any Part thereof.

Where Insolvent liable to further Imprisonment at the Suit of Creditors, Court may order detaining Creditor to allow him a Sum for Maintenance.

LIII. And be it enacted, That in all Cases where such Insolvent shall, upon such Order as aforesaid, be liable to further Imprisonment at the Suit of his Creditors, or any of them, it shall be lawful at any Time for the Court by which such Order shall be pronounced, on the Application of such Insolvent, to order such Creditor or Creditors at whose Suit he shall be so imprisoned to pay to such Insolvent such Sum or Sums not exceeding the Rate of Five Company's Rupees by the Week in the whole, at such Times, and in such Manner, and in such Proportion, as such Court shall direct, and that in failure of Payment thereof, as directed by such Court, such Court shall order such Insolvent to be forthwith discharged from Custody at the Suit of the Creditor or Creditors so failing to pay the same.

Creditor opposing Discharge of Insolvent to have his Costs allowed him out of the Estate in certain Cases; if Opposition frivolous or vexatious, Court may award Costs against such Creditor.

LIV. And be it enacted, That whenever any Creditor or Creditors opposing such Insolvent's Discharge shall prove to the Satisfaction of any such Court that such Insolvent has done or committed any Act for which he may be liable to remain in such Custody as aforesaid, it shall be lawful for such Court to order the taxed Costs of such Opposition to be paid to such opposing Creditor or Creditors, out of the Estate and Effects of such Insolvent, by his or her Assignee or Assignees, before any Dividend made thereof; and in all other Cases of Opposition to an Insolvent's Discharge being substantiated or effectual, it shall be lawful for such Court to adjudge in like Manner; and that in case it shall appear to such Court that the Opposition of any Creditor to any such Insolvent's Discharge was frivolous and vexatious, it shall and may be lawful for such Court to award such Costs to such Insolvent as shall appear to be just and reasonable, to be paid by the Creditors making such Opposition, which shall be paid accordingly.

LV. And

LV. And be it enacted, That where in the Matter of any such Petition heard before any such Court any Order shall have been made by such Court for the Discharge of any Insolvent, such Court shall also issue a Warrant or Warrants to the Gaoler accordingly, ordering the Discharge of such Insolvent from Custody, as to any Arrest or Detainers under which he may then be confined, or which may be lodged against him before he shall be out of Custody, the same being for Debts in respect of which such Order of Discharge shall have been made, and that every such Order of Discharge shall take effect as from the Day on which it was pronounced, and that every such Order may be made without specifying therein any such Debt or Debts, or Sum or Sums of Money, or Claims as aforesaid, or naming therein any such Creditor or Creditors as aforesaid, excepting so far as shall be necessary in any Case in order to distinguish between the Creditors as to whom any such Insolvent may be ordered so to be discharged as aforesaid forthwith, and the Creditors as to whom he may be ordered to be so discharged at some future Period: Provided nevertheless, that in all Cases the Arrest or Detainer with respect to which any such Insolvent shall have been ordered to be discharged out of Custody, he being then in Custody thereupon, shall be specified in the Warrant of such Court, to be delivered to the Gaoler in that Behalf.

Where Order has been issued for Discharge of Insolvent, the Court may also discharge him as to any Arrest or Detainers that may be lodged against him in respect of the same.

LVI. And be it enacted, That every such Order for Discharge of any Insolvent as aforesaid by any such Court as aforesaid, except in Cases of Appeals, shall be final and conclusive, and shall not be reviewed by such Court, unless such Court shall thereafter see good and sufficient Cause to believe that such Order has been made on false Evidence, or has been made by reason of an improper Suppression of Evidence, or of any false Statements in the Insolvent's Schedule, or has otherwise been fraudulently obtained, in which Case it shall and may be lawful for such Court, upon the Application of such Insolvent, or of any Creditor of such Insolvent, to order such Insolvent, upon due Notice to be given to such Persons and in such Manner as the said Court shall direct, to attend or to be brought up and the said Matter to be re-heard before the said Court, who shall thereupon re-hear the same, and shall and may, if just Cause shall appear, annul the original Order made in such Case, and shall have the same Powers and Authorities upon such Re-hearing as upon an original Hearing in pursuance of this Act, and may adjudicate in such Matter accordingly; and thereupon, in case the former Order in the said Matter shall not be confirmed, such Order, Certificate, and Warrant, so far as Circumstances require, shall be made as required by this Act to be made in the Case of the original Order; and the said Court shall and may, if necessary, remand the said Insolvent to the same Custody in which he or she was at the Time of the former Hearing, there to be subject to Imprisonment as if the former Order therein had not been made; and thereupon all Detainers which were in force against such Insolvent at the Time

Such Order for Discharge, except in Cases of Appeals, shall be final and conclusive unless obtained fraudulently.

Time of his or her former Discharge from Custody shall be deemed to be still in force against him or her as if such former Order had not been made; and the Gaoler and Keeper of the Prison to which such Insolvent shall be so remanded shall and is hereby required to receive such Insolvent into his Custody in pursuance of such Remand, for doing which the Order of Remand in such Case shall be his sufficient Warrant; and where in any Case such Insolvent shall refuse or neglect to appear before such Court according to such Order for re-hearing as aforesaid, a Copy whereof shall have been duly served on such Insolvent, it shall and may be lawful for such Court to order such Insolvent to be apprehended and committed to Custody to such Prison, and to issue its Warrant accordingly, and to cause such Insolvent to be brought up for Examination as often as to such Court shall seem fit: Provided always, that where upon such re-hearing it shall appear to such Court that such Insolvent is not entitled to the Benefit of this Act until some future Period according to the Provisions herein contained, the said Court shall and may, if it shall appear reasonable, adjudge the Discharge of such Insolvent at such future Period, to be calculated without including the Time during which such Insolvent shall be out of Custody since the Time appointed for his or her Discharge by such former Order as aforesaid.

If Order issued erroneously, Court may revoke, annul, suspend, or amend the same, and re-commit the Prisoner.

LVII. Provided always, and be it enacted, That if in any Case an Order for the Discharge of any such Prisoner shall have issued erroneously, and which is not pursuant to the intended Order of the Court in that Behalf, it shall be lawful for the said Court, on such Error being shown to the Court, to revoke such Order, and to annul, suspend, or amend the same, and, if necessary, to re-commit such Prisoner to his former Custody, when by such Order he shall have been discharged therefrom; and the Gaoler or Keeper of the Prison to whose Custody such Prisoner shall be so re-committed is hereby required to receive such Prisoner into his Custody, according to such Re-commitment, and thereupon all Detainers which were in force against such Prisoner at the Time of such Discharge as aforesaid shall be deemed to be still in force against him as if such erroneous Order had not issued.

On Request of Assignee, Insolvent may at any Time, although discharged, be further examined touching his Estate.

Penalty on Insolvent refusing to appear.

LVIII. And be it enacted, That it shall and may be lawful to and for the Assignee or Assignees from Time to Time, although an Order for the Discharge of the Insolvent may have been made, to apply to the Court that such Insolvent may be further examined as to any Matter or Things relating to his Estate and Effects. by such Court, and thereupon it shall be lawful for the said Court to order the same; and in case such Insolvent shall neglect or refuse to appear before such Court, at such Time and Place as shall be directed by such Order, or shall refuse to be sworn, or to answer to such Questions as shall be put to him relating to the Discovery of his said Estate and Effects, then and in any of such Cases it shall be lawful for such Court by Warrant to commit such Insolvent to Gaol, there to remain without Bail or Mainprize, until such Time as he shall submit

submit himself to the Order of such Court in that Behalf, and shall answer upon Oath or otherwise, as shall be required, to all such lawful Questions as shall be put to him in pursuance of the same, for the Purposes aforesaid.

LIX. And be it enacted, That whenever it shall appear that the Estate of any Insolvent which has come to the Hands of his Assignee has sufficed to pay One Third of his Debts admitted or established in the Matter of the said Insolvency, or that a Majority in Number and Value of the Creditors whose Debts are admitted by the Schedule, or established by Proof, have consented to such Application, it shall be lawful for the said Court, at any Time after the Hearing of his Petition, upon the Application of the Insolvent by Petition, which may be in the Form contained in the Schedule (E.) to this Act annexed, with such Variations as the Case may require, to make an Order Nisi for his Discharge in the Nature of a Certificate, and such Order shall specify the Creditors whose Demands are thereby sought to be discharged, and shall appoint a Time for the further Hearing of the said Petition, and shall direct such Notice to be given of such Order in the meantime as it shall think fit, and in case any of the Creditors against whom such Discharge shall be sought shall appear to the Court to be resident without the Limits of the Charter of the *East India* Company, to cause Notice of such Order, or of so much thereof as may appear necessary, to be inserted in the Gazette of the Presidency; and the Chief Secretary of the Government of the Presidency shall thereafter, without Delay, transmit Copies of such Gazettes containing such Notice as aforesaid, by separate Conveyances, to the Court of Directors of the *East India* Company, who shall, without Delay, cause an Extract from such Gazette to be inserted in the *London Gazette*; and upon the further Hearing of such Petition, it shall be lawful for the said Court to make such Order absolute, or to dismiss such Petition, or to adjourn the further Hearing thereof, or to make such Order therein as shall be just; and such Discharge, unless Order shall be made to the contrary, shall extend to and shall discharge the Insolvent personally, and also his after-acquired Property, from the Demands of all the Creditors named in the said Order Nisi: Provided always, that such Order shall not affect any Creditor without the Limits of the Charter of the said *East India* Company, unless Notice of the said Order Nisi shall have been directed to be given in the Gazette in manner aforesaid, and a Period of Twelve Calendar Months shall have elapsed between the Date of the said Order Nisi and the Date of the said Order to make the same absolute: Provided also, that such Order shall not operate as a Release or Discharge of any Person who was a Partner with such Insolvent, or jointly bound or liable with him.

Where Estate pays One Third of Insolvent's Debts, or where Creditors to that Amount consent, Court may grant an Order Nisi for final Discharge of Insolvent, appoint Time for Hearing, and direct Notices to be given.

LX. And be it enacted, That it shall be lawful for any Insolvent Debtor being such Trader as herein-before is mentioned, who shall have presented a Petition under this Act, or as to whom an Adjudication that he has committed an Act of

Court may, upon Application of insolvent Trader, provided he has filed his Sche-

dule, make an Order Nisi for his Discharge, appoint a Time for Hearing, and direct Notices to be given.

Insolvency shall have been made under this Act, provided he shall have filed his Schedule, to apply to the said Court by Petition, which may be in the Form contained in the Schedule (F.) to this Act annexed, with such Variations as the Case may require; and that it shall be lawful for the said Court, upon such Petition, to make an Order Nisi for his Discharge in the Nature of a Certificate, and to appoint a Time for the further Hearing of the said Petition, and to direct such Notices to be given of such Order in the meantime as it shall think fit, and in case any of the Creditors against whom such Discharge shall be sought shall appear to the Court to be resident without the Limits of the Charter of the *East India* Company, to cause Notice of such Order to be inserted in the Gazette of the Presidency; and the Chief Secretary of the Government of the Presidency shall thereafter without Delay transmit Copies of such Gazettes containing such Notice as aforesaid, by separate Conveyances, to the Court of Directors of the said *East India* Company, who shall without Delay cause an Extract from such Gazette containing such Notice to be inserted in the *London Gazette*; and upon the further hearing of the said Petition it shall be lawful for the said Court to make such Order absolute, or to dismiss such Petition, or to adjourn the further hearing thereof, or to make such Order therein as shall be just; and such Discharge, unless such Order shall be made to the contrary, shall extend to and shall discharge the Insolvent personally, and also his after-acquired Property, from all Demands which would be discharged by a Certificate under the Bankrupt Laws, granted under a Fiat bearing even Date with the Insolvent's Petition, or with the Adjudication, as the Case may be: Provided always, that such Order shall not affect any Creditor without the Limits aforesaid, unless Notice of the said Order Nisi shall have been directed to be given in the *London Gazette* in manner aforesaid, and a Period of Twelve Months shall have elapsed between the Date of the said Order Nisi and the Date of the said Order to make the same absolute: Provided also, that such Order shall not operate as a Release or Discharge of any Person who was Partner with such Insolvent, or jointly bound or liable with him.

If Insolvent discharged by such Order be again sued in respect of former Debts, Court may, on his Application, order Proceedings to be stayed, and award Costs.

LXI. And be it enacted, That if any such Insolvent, his Heirs, Executors, or Administrators, shall, after such Order for Discharge in the Nature of a Certificate under this Act as aforesaid, be sued or arrested either on Mesne or Final Process, or Execution shall issue against his or their Property, for any Debt, Claim, or Demand from which the said Insolvent shall have been discharged by such Order, on his or their Application to any Court having Power to stay such Proceedings, or to discharge from such Arrest, or to set aside such Execution, and upon Proof to the Satisfaction of such Court of such Order, and that the Debt or Claim for which such Proceedings are had is the same from which the said Insolvent has been discharged by such Order as aforesaid, such Proceedings shall be stayed, and he or they shall be discharged from such Arrest, and

and such Process of Execution shall be set aside, and all further Proceedings in the Suit in which such Arrest or such Execution was shall also be stayed, and the said Court shall have Power to award Costs to the said Insolvent, or his Heirs, Executors, or Administrators, as aforesaid, in case the said Proceedings shall appear to the said Court to have been taken after Notice of the said Order, and without any reasonable Cause for impeaching the same, or to have been otherwise oppressive or vexatious.

LXII. Provided always, and be it enacted, That no Debt due to our Sovereign Lady the Queen, nor any Fine, Penalty, or Forfeiture whatsoever, nor any Recognizance whereby a Debt is acknowledged to the Queen, nor any Debt due on account of any Fine, Penalty, or Forfeiture, or any Estreat shall be deemed or taken to be such a Debt or Debts as to entitle any Person or Persons to petition as is before mentioned, nor shall any Person be entitled to receive any Dividend for the same under this Act, nor shall any such Fines, Penalties, Forfeitures, Recognizances, Debts, or Estreats be in any way discharged or affected by any thing done under this Act, otherwise than they might and would have been discharged or affected if this Act had not been passed.

Nothing in this Act to affect Debts, Penalties, &c. due to the Crown.

LXIII. And be it enacted, That the Provisions of this Act shall extend to married Women, and that the Order vesting the Estate and Effects of such married Woman in the Official Assignee shall extend to and operate upon her Interest in any Property, Real or Personal, in possession, reversion, remainder, or expectancy, subject to any Rights of her Husband therein, and to all Property over which she shall have any beneficial Power of Disposition, notwithstanding her Coverture, to the Extent of the Benefit which she might acquire therein by the Exercise of such Power; but that the same shall not extend to her Wearing Apparel, Bedding, and other such Necessaries, not exceeding in the whole the Value of Two hundred Company's Rupees: Provided always, that the Discharge of any married Woman under the Provisions of this Act shall not extend to discharge her Husband from any Debt in respect of which his Wife shall be so discharged, but such Debt, as far as the same shall remain unpaid and unsatisfied, shall be chargeable upon and in force against such Husband, as fully to all Intents and Purposes as if his Wife had not obtained such Discharge.

Special Provisions for insolvent married Women;

LXIV. And be it enacted, That if any such Prisoner for Debt as aforesaid shall be or become of unsound Mind, and be therefore incapable of taking the Benefit of this Act in such Manner as he might have done if of sound Mind, the Gaoler or Keeper of the Prison wherein such Prisoner shall be shall give Information thereof to the Court for the Relief of Insolvent Debtors of the Presidency wherein such Prison shall be situated, which Court may thereupon proceed to inquire touching and respecting the State of the Prisoner's Mind, by Examination of Witnesses upon Oath or solemn Affirmation, or by such other Means as it shall think fit; and if such Court shall conclude that the Prisoner is of unsound Mind, it shall be lawful for

and for insolvent Lunatics.

such Court, at the Instance of any Person on behalf of such Prisoner, to order Notice to be twice inserted in the Gazette of such Presidency, and in such Notice to specify and direct that Application shall be made to such Court for the Discharge of such Prisoner on a Day to be specified in such Notice, being Twenty Days at least from the first Time of Publication of such Notice; which Notice, together with Service of the Notice on the Creditor or Creditors at whose Suit such Prisoner shall be detained in Custody, or his, her, or their Attorney, shall be deemed sufficient to authorize such Court to proceed to the Discharge of such Prisoner, and such Court shall proceed accordingly, and discharge such Prisoner: Provided always, that all and every the Estate, Right, Title, Interest in Law and Equity, Real and Personal, Power, Benefit, and Emolument whatsoever, which would vest in the Official Assignee under a Vesting Order in the Case of a Petition by such Insolvent if he were of sound Mind, shall, by force and virtue of the Order for the Discharge of such Prisoner, be vested in the Official Assignee in the Manner and for the Purposes herein-before mentioned.

Warrants of Attorney and Cognovits to be void unless filed in Six Weeks after Execution.

LXV. And be it enacted, That after the Time appointed for this Act to take effect every Warrant of Attorney to confess Judgment in any Personal Action in any of Her Majesty's Supreme Courts of Judicature at *Calcutta, Madras, and Bombay* respectively, and every Cognovit actionem given by any Defendant in any Personal Action which shall be pending in any of the said Courts, shall, within Six Weeks after the Execution of such Warrant or Cognovit, be filed, together with an Affidavit of the Time of the Execution thereof, with the Prothonotary or other proper Officer of the Court in which the Judgment is confessed or the Action is pending; and every such Warrant of Attorney and Cognovit actionem as aforesaid, which shall not be so filed as aforesaid, shall be deemed fraudulent, null, and void, to all Intents and Purposes; and if any Warrant or Cognovit which shall be so filed as aforesaid shall have been given subject to any Defeazance or Condition, such Defeazance or Condition shall be written on the same Paper or Parchment on which such Warrant or Cognovit shall be written before the Time when it shall be filed, otherwise such Warrant or Cognovit shall be null and void to all Intents and Purposes.

Prothonotary, &c. to keep Books for Registry of Warrants of Attorney and Cognovits, pursuant to 3 G. 4. c. 39.

LXVI. And be it enacted, That the Prothonotary or other proper Officer of Her Majesty's Supreme Courts of Judicature at *Calcutta, Madras, and Bombay* respectively shall cause every Warrant of Attorney and Cognovit actionem in any Personal Action filed in his Office to be numbered, and shall keep a Book or Books in his said Office, in which he shall cause to be entered an alphabetical List of all such Warrants and Cognovits according to the Form of a Schedule annexed to an Act passed in the Third Year of His late Majesty King *George the Fourth*, intituled *An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment*; which Book or Books, and every Warrant of Attorney and Cognovit actionem filed

filed as aforesaid, shall and may be searched and viewed at all Times upon Payment of the Fees lawfully established.

LXVII. And be it enacted, That it shall be lawful for the Court in which any such Warrant or Cognovit is filed to order a Memorandum of Satisfaction to be written upon any such Warrant or Cognovit, if it shall appear to such Court that the Debt for which such Warrant or Cognovit was given as a Security shall have been satisfied or discharged. Court may order Memorandum of Satisfaction to be endorsed.

LXVIII. And be it enacted, That Affidavits and Affirmations to be used before any Court for the Relief of Insolvent Debtors, or any Officer of such Court, may be sworn and affirmed before such Court or any Commissioner or other Person appointed by such Court for that Purpose, or any Judge or Commissioner for taking Affidavits in any of Her Majesty's Courts of Record within the Limits of the said *East India Company's* Charter, or before any Master or Master Extraordinary in Chancery in *England* or *Ireland*, or any Magistrate authorized to take Affidavits or Affirmations in *Scotland*. Affidavits and Affirmations may be sworn, &c. before Courts, &c. appointed for that Purpose.

LXIX. And be it enacted, That if any Person, in any Proceeding, Examination, Affidavit, or Affirmation had or taken under this Act, shall wilfully and corruptly swear or affirm falsely, or shall forge or counterfeit the Seal of any of the said Courts, or knowingly concur in using any such forged or counterfeit Seal, for the Purpose of authenticating any Proceedings or Document, it shall be lawful for any Court before which any such Person shall be convicted of any such Offence by due Course of Law to order and adjudge such Person to be transported to such Place and for such Term as the Court shall direct, or in either Case to order and adjudge that such Person shall be imprisoned and fined, or imprisoned or fined only, for such Time, and to such Amount, and in such Manner as the same Court shall direct. Penalty for Perjury, or for forging or counterfeiting the Seal of any Court.

LXX. And be it enacted, That if any Insolvent who shall have filed a Petition for Relief, or against whom any such Adjudication as aforesaid of an Act of Insolvency shall have been made in any of the said Courts for the Relief of Insolvent Debtors in *India*, or any other Person, shall wilfully and fraudulently embezzle or conceal or remove any Part of the Real and Personal Estate or Effects of such Insolvent, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud his Creditors, or shall destroy, alter, mutilate, or falsify any of his Books, Papers, Writings, or Securities, or make or be privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud his Creditors, it shall be lawful for any Court before which any such Person shall be convicted of any such Offence by due Course of Law to order and adjudge that such Person shall be transported to such Place and for such Term of Years as the said Court shall direct, or to order and adjudge that such Person shall be imprisoned and fined, or imprisoned or fined only, for such Time, and to such Amount, and in such Manner as the same Court shall direct. Penalty for Embezzlement or Concealment of Effects, Books, Papers, &c.

Application of
Fines imposed
for the fore-
going Offences.

LXXI. And be it enacted, That whenever any Person or Persons shall have been ordered and adjudged, under the Provisions of this Act, to pay any Fine for any Forgery or Perjury, or Embezzlement or Concealment, or any other such Offence as lastly herein-before is mentioned, and such Fine shall have been paid, it shall be lawful for any Assignee or Assignees in whom the Estate and Effects of any Insolvent or Insolvents shall be duly vested according to the Provisions of this Act to apply to the Court by which such Fine shall have been imposed; and if it shall be proved to the Satisfaction of the same Court that the Creditors for whose Benefit the said Assignee or Assignees shall hold in trust the said Estate and Effects have been defrauded, or have incurred Loss, by means of such Forgery, Perjury, Embezzlement, Concealment, or other Offence as aforesaid, the said Court by which the said Fine shall have been imposed may direct the same to be paid, after deducting the Costs of Prosecution, to the said Assignee or Assignees, for the Use and Benefit of the said Creditors: Provided always, that if no such Application shall be made by such Assignee or Assignees within One Year after any such Fine shall have been paid, it shall be lawful for the Court by which such Fine shall have been imposed to appropriate, apply, and to pay over such Fine to such Uses, Purposes, and Persons, and in such Manner, as any other Fine imposed by the same Court for any other Crime or Misdemeanor may be lawfully appropriated, applied, and paid over.

Any Person
interested in
Proceedings
before the Court
may, on making
a Deposit,
require the
Evidence, &c.
to be taken
down by a
sworn Officer
of the Court.

LXXII. And be it enacted, That any Person who shall be interested in any Proceeding of any of the said Courts for the Relief of Insolvent Debtors, upon depositing with the proper Officer of the Court a Sum of Money, of which the Amount shall be fixed by the Court, may require that the whole of the Evidence relating to any such Proceeding may be taken down in Writing by a sworn Officer of the Court, and the same shall be done accordingly; and in case such Person shall not within One Calendar Month thereafter present a Petition of Appeal as is herein-after directed, it shall be lawful for the Court in which such Evidence shall have been so taken down in Writing as aforesaid to pay the reasonable Costs and Expenses thereof out of the Money which shall have been so deposited as aforesaid, returning the Surplus, if any, to the Person who shall have deposited the same.

Power of
Appeal to the
Supreme Court
of the Pre-
sidency.

LXXIII. And be it enacted, That it shall be lawful for any Person who shall think himself aggrieved by any Adjudication, Order, or Proceeding of any such Court for the Relief of Insolvent Debtors to present, within One Calendar Month thereafter, a Petition to the Supreme Court of Judicature of the Presidency; and it shall be lawful for such Court to order that the whole of the Evidence, if any, which shall have been so taken down in Writing as aforesaid, and the Minutes and Records of the Proceedings of which Complaint shall have been made, shall be brought before it; and the said last-mentioned Court shall inquire into the Matter of the Petition, and of such Proceedings

Proceedings and Evidence, and shall make such Order thereon as to the same Court shall seem meet and just, and shall thereby direct by whom and in what Manner the Costs of such Petition, and of the Proceedings which shall have been had thereon, and of the taking down of any such Evidence in Writing, and of the Proceedings of which Complaint shall have been made, shall be paid; and such Order shall be final and conclusive as to all Parties, and shall be compulsory and binding upon the Court in which such Proceedings so complained of shall have been had.

LXXIV. And be it enacted, That the proper Officer of the several Courts for the Relief of Insolvent Debtors shall, on the reasonable Request of any such Insolvent as aforesaid, or of any Creditor or Creditors of such Insolvent, or his, her, or their Attorney, produce and show to such Insolvent, Creditor or Creditors, and his, her, or their Attorney, at such Times as such Courts respectively shall direct, every Petition, Schedule, Order of Adjudication, and all other Orders and Proceedings made and had relating to such Insolvent; and the said Court shall order the Assignees of such Insolvent, or the said Officer of the Court, as the Case may be, to permit the said Insolvent, Creditor or Creditors, or their respective Attornies, to have Inspection, at all reasonable Times, of all Books, Papers, and Writings relating to the Matters of the said Insolvency, and the Estate of the said Insolvent in the Possession of such Assignees, or filed in Court in such Matter, and permit him, her, or them to inspect and examine the same; and such Officer or such Assignees as aforesaid shall provide for any such Insolvent, or Creditor or Creditors, or his, her, or their Attorney requiring the same, a Copy or Copies of such Petition or other Proceedings, Books, Papers, and Writings as aforesaid, or of such Part thereof as shall be required, receiving such Fee or Sum or Rate of Charge as such Court shall appoint for so providing the same; and that a Copy of such Petition, Schedule, Order, and other Orders and Proceedings as aforesaid, purporting to be signed by the Officer in whose Custody the same shall be, or his Deputy, certifying the same to be a true Copy of such Petition, Schedule, Order, or other Proceedings, and appearing to be sealed with the Seal of the said Courts respectively, shall at all Times, and on behalf of all Persons, and whether for the Purposes of this Act or otherwise, be admitted in all Courts whatever, and before Commissioners of Bankrupt and Justices of the Peace, without any Proof of such Seal or other Proof whatsoever, as sufficient Evidence of the same.

Officers of
Courts to pro-
duce Proceed-
ings and give
Copies thereof.

LXXV. And be it enacted, That no Conveyance, Assignment, Letter of Attorney, Affidavit, Certificate, or other Proceeding, Instrument, or Writings whatsoever, before or under any Order of any of such Courts for Relief of Insolvent Debtors, nor any Copy thereof, nor any Advertisement inserted in any Newspaper by Direction of any such Court, relating to Matters within the Jurisdiction of such Court, shall be liable to or chargeable or charged with the Payment of any Stamp

Conveyances,
&c. under this
Act not liable
to Stamp Du-
ties, nor Sales
directed by the
Court to Auc-
tion Duty.

or other Duty whatsoever; and that no Sale of any Real or Personal Estate of any such Insolvent as aforesaid, for the Benefit of his or her Creditors under this Act, shall be liable to any Auction Duty.

Supreme Courts may make Rules and Regulations, and may alter and amend the same, subject to Her Majesty's Approval.

LXXVI. And be it enacted, That Her Majesty's Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively shall respectively have Power from Time to Time to make all necessary and reasonable Rules, not inconsistent with the Provisions of this Act, for facilitating and carrying into effect within their respective Jurisdictions the Relief intended to be given by this Act in Cases for which sufficient Provision has not been thereby made, and from Time to Time to alter and vary such Rules; all which Rules shall from Time to Time be transmitted to the President of the Board of Commissioners for the Affairs of *India*, to be laid before Her Majesty for Her Royal Approbation, Correction, or Revision.

Filing of Petition by Insolvent, and Adjudication of an Act of Insolvency, conclusive Evidence of an Act of Bankruptcy committed by Insolvent.

LXXVII. And be it enacted, That the filing of a Petition by any Insolvent Debtor under this Act, and the Adjudication of an Act of Insolvency under this Act, shall, for the Purpose of the Laws concerning Bankrupts in *England*, be accounted and adjudged conclusive Evidence of an Act of Bankruptcy committed by such Insolvent at the Time of filing his Petition, or of filing the Petition on which the Adjudication shall be made, if the Insolvent shall then be a Person subject to the Laws then in force respecting Bankrupts; and any Creditor or Creditors of such Insolvent whose Debt or Debts shall be of sufficient Amount to enable him or them by Law to petition for a Fiat in Bankruptcy may, at any Time within Two Months after Notice of the Insolvency shall have been given in the *London Gazette* as herein-after is directed, sue out a Fiat in Bankruptcy in that Part of the United Kingdom called *England*, against such Insolvent, under which all such Proceedings may be had and taken as are authorized and directed, or shall be authorized and directed, by any Statute or Statutes now in force or hereafter to be passed respecting Bankrupts, except as herein-after provided.

Creditor may issue Fiat in Bankruptcy thereupon;

LXXVIII. And be it enacted, That when any Creditor or Creditors resident within the Limits of the Charter of the *East India* Company shall be desirous of suing out such Fiat in Bankruptcy against any such insolvent Trader, it shall be lawful for such Person or Persons to make Proof of his or their Debt or Debts before any of the said Courts for the Relief of Insolvent Debtors, which Proof shall be certified under the Seal of such Court; and the Production of the Certificate thereof, so sealed as aforesaid, shall, without any Proof of the Genuineness of such Certificate or of such Seal, be sufficient Evidence of a Petitioning Creditor's Debt to warrant the issuing of a Fiat, and also to authorize all further Proceedings thereon.

but such Fiat not to invalidate or make void any Proceedings had by In-

LXXIX. Provided always, and be it enacted, That in the Case of the issuing of any Fiat in Bankruptcy against any such Insolvent Trader, such Fiat shall not in any Manner affect, invalidate, or make void any Acts or Proceedings had or done before

before the issuing of such Fiat of or by or under the Authority of any Court for the Relief of Insolvent Debtors in *India*, either by any Assignee or Assignees, or any other Person or Persons acting either mediately or immediately under the Authority of any such Court, and whether without or within the Limits of the Charter of the said *East India* Company; nor shall such Fiat in any Manner affect, invalidate, or make void any such Acts or Proceedings as aforesaid had or done after the issuing of such Fiat, respecting any Property or Interest whatsoever of such Insolvent, Real or Personal, or other Matter, Thing, or Person whatsoever within the said Limits; nor shall the Assignee or Assignees under any such Fiat in Bankruptcy acquire any Right or Title to take possession of, demand, sue for, or recover any Property or Interest whatsoever, Real or Personal, of such Insolvent, within the Limits aforesaid; but the Assignee or Assignees under such Insolvency shall, notwithstanding such Fiat in Bankruptcy, have full Power and Control over all the Real and Personal Property of such Insolvent within the Limits aforesaid, as well as over that without the Limits aforesaid, of which they may have taken actual Possession before the issuing of such Fiat, and shall have the Distribution and Management of all such Property, as fully and effectually as if such Fiat in Bankruptcy had not issued.

solvent Debtors Court before the issuing of such Fiat.

LXXX. And be it enacted, That all the Creditors of any such Insolvent whose Debts shall have been admitted or allowed by any Court for the Relief of Insolvent Debtors in *India* shall, without further Proof, be entitled to be admitted as Creditors under any such Fiat in Bankruptcy as aforesaid, for the Purpose of receiving an equal Dividend upon the Estate of such Bankrupt with the Creditors who shall have proved their Debts under such Fiat; and in like Manner all Creditors under such Fiat whose Debts shall have been duly established shall be entitled to be admitted as Creditors, without further Proof, in such Court for the Relief of Insolvent Debtors, for the Purpose of receiving an equal Dividend upon the Estate of such Insolvent with the Creditors whose Debts shall have been allowed in such Court.

Creditors having proved under Insolvency to be admitted as Creditors without further Proof under the Bankruptcy, and Creditors under Bankruptcy to receive Dividends under Insolvency.

LXXXI. Provided always, and be it enacted, That when any such Insolvent shall be declared Bankrupt upon the sole Ground herein-before mentioned, he shall not be required to surrender or be liable to any Penalty for not surrendering himself to be examined under his Commission until Forty-two Days after he shall have come into some Part of the said United Kingdom of *Great Britain* and *Ireland*.

Insolvent made Bankrupt not liable to Penalty for not surrendering until 42 Days after Arrival.

LXXXII. And be it enacted, That the principal Officer of the respective Courts for the Relief of Insolvent Debtors shall cause Notices to be inserted in the Gazettes of the respective Presidencies within which such Courts shall be holden of every Petition which shall be filed in any of the said Courts by any Insolvent for Relief under this Act, and of every Adjudication of an Act of Insolvency, and of every Confirmation or Revocation

Notices of Insolvency, &c. to be inserted in the Gazettes of the Presidencies and the London Gazette.

ation thereof, together with the Dates of the same respectively, and, in the Case of an Adjudication, the Date of the Petition on which the same is grounded, forthwith after the filing of such Petition or pronouncing such Adjudication or such Confirmation or Revocation respectively; and that the Chief Secretary of the Government of the said Presidencies respectively shall, without Delay, transmit to the Court of Directors of the said *East India Company* Two or more Copies at least of every such Gazette which shall contain any such Notice as aforesaid, who shall, without Delay after the Receipt thereof, cause such Notice to be inserted in the *London Gazette*; and the Production of the *London Gazette* containing any such Notice as aforesaid shall be deemed and taken by all Commissioners of Bankruptcy and all Courts whatsoever to be sufficient Evidence of the filing of the Petition of such Insolvent in such Court as aforesaid, and of such Adjudication of Insolvency, and of such Confirmation or Revocation thereof, and of the Dates of the same Proceedings respectively, and, in the Case of any Adjudication, of the Date of the Petition on which the same is grounded.

Order for Discharge of Insolvent Debtor not to operate as a Discharge to the Debts, &c. of any Creditor not resident within the Limits of the Charter.

Proviso as to joint Creditors.

Power of Court of Bankruptcy in certain Cases to grant Certificates to Insolvents.

LXXXIII. Provided always, and be it enacted, That in case any Fiat in Bankruptcy, whether under the Provisions of this Act or otherwise, shall be issued against such insolvent Trader as aforesaid, upon which such Insolvent shall be declared a Bankrupt before such Order for Discharge in the Nature of a Certificate as herein-before mentioned, then and in such Case such Order shall not operate as a Discharge from the Debt, Claim, and Demand of any Creditor who shall not have been resident within the Limits aforesaid at any Time between the filing of the Insolvent's Petition or the Adjudication, as the Case may be, and the making of such Order: Provided always, that when such Insolvent shall be indebted or liable to Two or more Persons jointly, if any One of such joint Creditors shall have been resident within the Limits aforesaid within the Time aforesaid, such Certificate shall operate against all such joint Creditors as aforesaid, notwithstanding the Non-residency within the Limits aforesaid of some of the said joint Creditors.

LXXXIV. Provided always, and be it enacted, That in case any Fiat in Bankruptcy shall be issued against such insolvent Trader as aforesaid, upon which he shall be declared a Bankrupt before such Order for Discharge in the Nature of a Certificate as herein-before mentioned, if it shall afterwards be made to appear to any Commissioner, Judge, or Court in Bankruptcy having Authority to grant a Bankrupt's Certificate, that such Order has been made by the Court in the *East Indies* as aforesaid, such Commissioner, Judge, or Court as aforesaid may, if he think fit, thereupon grant the Certificate of such Bankrupt, which shall have the same Force and Effect, both without and within the Limits aforesaid, as any Certificate duly granted under any Statute or Statutes now in force or hereafter to be in force respecting Bankrupts.

LXXXV. And

LXXXV. And be it enacted, That whenever it shall appear by the Schedule of any such Insolvent as aforesaid that any of the Creditors are resident out of the Limits aforesaid, the principal Officer of the said Court for the Relief of Insolvent Debtors shall, as soon as conveniently may be after the filing of such Schedule, transmit Two or more Copies thereof to the Chief Secretary of the Government of the Presidency within which such Court is situate, who shall transmit the same to the Court of Directors as soon as conveniently may be after the Receipt thereof; and the said Court of Directors shall retain the same, and permit any Person or Persons, being a Creditor or Creditors of any such Insolvent Debtor, at all reasonable Times to inspect and examine such Schedule, and shall upon the Request and at the reasonable Costs and Charges of any such Creditor or Creditors, such Costs or Charges to be regulated by the said Court of Directors, provide for him or them a Copy or Copies of any such Schedule.

Creditors residing out of the Limits may inspect Proceedings transmitted from India to the Court of Directors.

LXXXVI. Provided always, and be it enacted, That in all Cases where any Insolvent shall not have obtained his Discharge in the Nature of a Certificate as aforesaid under this Act, the said Court for the Relief of Insolvent Debtors may, if in the Circumstances of the Case it shall think fit, before making such Order for such Discharge, direct a Judgment to be entered up against such Insolvent in the Supreme Court of the Presidency within which such Court for the Relief of Insolvent Debtors shall be situate in the Name of the Assignee or Assignees, or of such Official Assignee as the Court shall think fit, for the Amount of the Debts or Demands stated in the Schedule of such Insolvent as due or claimed, and of such as shall be established in the said Court against the said Insolvent's Estate, or so much thereof as shall appear at the Time of such Order to be due, which said Order shall be filed in the said Court for the Relief of Insolvent Debtors in *India*; and the Production of such Order, or of a Copy of such Order, under the Seal of the said Court, of which Order, Copy, and Seal no Proof shall be requisite, other than the Production of such Order or Copy, shall be sufficient Authority to the proper Officer for entering up the said Judgment; and then and in every such Case, and notwithstanding the Provisions herein-before contained, if at any Time it shall appear to the Satisfaction of the said Court that such Insolvent is of Ability to pay such Debts or Demands, or any Part thereof, or that he is dead, leaving Assets for such Purpose, and that under the Circumstances the same is reasonable and proper, the said Court may, if it shall think fit, order Execution to be taken out upon such Judgment against the Property of such Insolvent, whether the same may or may not be by Law vested in his Assignee or Assignees, for such Sum of Money as under all the Circumstances of the Case the said Court shall order, such Sum to be distributed rateably amongst the Creditors of such Insolvent according to the Mode herein-before directed in the Case of a Dividend, and such further Proceedings may be had upon such Judgment as the Court

Courts may order Judgment to be entered up for the Amount of the Debts stated in Insolvent's Schedule.

Execution on the same may be issued against future Assets of Insolvent.

ation thereof, together with the Dates of the same respectively, and, in the Case of an Adjudication, the Date of the Petition on which the same is grounded, forthwith after the filing of such Petition or pronouncing such Adjudication or such Confirmation or Revocation respectively; and that the Chief Secretary of the Government of the said Presidencies respectively shall, without Delay, transmit to the Court of Directors of the said *East India Company* Two or more Copies at least of every such Gazette which shall contain any such Notice as aforesaid, who shall, without Delay after the Receipt thereof, cause such Notice to be inserted in the *London Gazette*; and the Production of the *London Gazette* containing any such Notice as aforesaid shall be deemed and taken by all Commissioners of Bankruptcy and all Courts whatsoever to be sufficient Evidence of the filing of the Petition of such Insolvent in such Court as aforesaid, and of such Adjudication of Insolvency, and of such Confirmation or Revocation thereof, and of the Dates of the same Proceedings respectively, and, in the Case of any Adjudication, of the Date of the Petition on which the same is grounded.

Order for Discharge of Insolvent Debtor not to operate as a Discharge to the Debts, &c. of any Creditor not resident within the Limits of the Charter.

Proviso as to joint Creditors.

Power of Court of Bankruptcy in certain Cases to grant Certificates to Insolvents.

LXXXIII. Provided always, and be it enacted, That in case any Fiat in Bankruptcy, whether under the Provisions of this Act or otherwise, shall be issued against such insolvent Trader as aforesaid, upon which such Insolvent shall be declared a Bankrupt before such Order for Discharge in the Nature of a Certificate as herein-before mentioned, then and in such Case such Order shall not operate as a Discharge from the Debt, Claim, and Demand of any Creditor who shall not have been resident within the Limits aforesaid at any Time between the filing of the Insolvent's Petition or the Adjudication, as the Case may be, and the making of such Order: Provided always, that when such Insolvent shall be indebted or liable to Two or more Persons jointly, if any One of such joint Creditors shall have been resident within the Limits aforesaid within the Time aforesaid, such Certificate shall operate against all such joint Creditors as aforesaid, notwithstanding the Non-residency within the Limits aforesaid of some of the said joint Creditors.

LXXXIV. Provided always, and be it enacted, That in case any Fiat in Bankruptcy shall be issued against such insolvent Trader as aforesaid, upon which he shall be declared a Bankrupt before such Order for Discharge in the Nature of a Certificate as herein-before mentioned, if it shall afterwards be made to appear to any Commissioner, Judge, or Court in Bankruptcy having Authority to grant a Bankrupt's Certificate, that such Order has been made by the Court in the *East Indies* as aforesaid, such Commissioner, Judge, or Court as aforesaid may, if he think fit, thereupon grant the Certificate of such Bankrupt, which shall have the same Force and Effect, both without and within the Limits aforesaid, as any Certificate duly granted under any Statute or Statutes now in force or hereafter to be in force respecting Bankrupts.

LXXXV. And

LXXXV. And be it enacted, That whenever it shall appear by the Schedule of any such Insolvent as aforesaid that any of the Creditors are resident out of the Limits aforesaid, the principal Officer of the said Court for the Relief of Insolvent Debtors shall, as soon as conveniently may be after the filing of such Schedule, transmit Two or more Copies thereof to the Chief Secretary of the Government of the Presidency within which such Court is situate, who shall transmit the same to the Court of Directors as soon as conveniently may be after the Receipt thereof; and the said Court of Directors shall retain the same, and permit any Person or Persons, being a Creditor or Creditors of any such Insolvent Debtor, at all reasonable Times to inspect and examine such Schedule, and shall upon the Request and at the reasonable Costs and Charges of any such Creditor or Creditors, such Costs or Charges to be regulated by the said Court of Directors, provide for him or them a Copy or Copies of any such Schedule.

Creditors residing out of the Limits may inspect Proceedings transmitted from India to the Court of Directors.

LXXXVI. Provided always, and be it enacted, That in all Cases where any Insolvent shall not have obtained his Discharge in the Nature of a Certificate as aforesaid under this Act, the said Court for the Relief of Insolvent Debtors may, if in the Circumstances of the Case it shall think fit, before making such Order for such Discharge, direct a Judgment to be entered up against such Insolvent in the Supreme Court of the Presidency within which such Court for the Relief of Insolvent Debtors shall be situate in the Name of the Assignee or Assignees, or of such Official Assignee as the Court shall think fit, for the Amount of the Debts or Demands stated in the Schedule of such Insolvent as due or claimed, and of such as shall be established in the said Court against the said Insolvent's Estate, or so much thereof as shall appear at the Time of such Order to be due, which said Order shall be filed in the said Court for the Relief of Insolvent Debtors in *India*; and the Production of such Order, or of a Copy of such Order, under the Seal of the said Court, of which Order, Copy, and Seal no Proof shall be requisite, other than the Production of such Order or Copy, shall be sufficient Authority to the proper Officer for entering up the said Judgment; and then and in every such Case, and notwithstanding the Provisions herein-before contained, if at any Time it shall appear to the Satisfaction of the said Court that such Insolvent is of Ability to pay such Debts or Demands, or any Part thereof, or that he is dead, leaving Assets for such Purpose, and that under the Circumstances the same is reasonable and proper, the said Court may, if it shall think fit, order Execution to be taken out upon such Judgment against the Property of such Insolvent, whether the same may or may not be by Law vested in his Assignee or Assignees, for such Sum of Money as under all the Circumstances of the Case the said Court shall order, such Sum to be distributed rateably amongst the Creditors of such Insolvent according to the Mode herein-before directed in the Case of a Dividend, and such further Proceedings may be had upon such Judgment as the Court

Courts may order Judgment to be entered up for the Amount of the Debts stated in Insolvent's Schedule.

Execution on the same may be issued against future Assets of Insolvent.

Court may from Time to Time order, until the said Debts or Demands shall be fully paid and satisfied, and no Scire facias shall be necessary to revive or to execute such Judgment on account of any Lapse of Time or Change of Parties, or otherwise, but Execution shall at all Times issue thereon by virtue of the Order of the said Court for the Relief of Insolvent Debtors from Time to Time: Provided always, that in case any Application against any such Insolvent for the Purpose aforesaid shall appear to the Court to be vexatious or oppressive, it shall be lawful for the said Court, not only to refuse to make any Order on such Application, but also to dismiss the same, with such Costs against the Party making the same as to the said Court shall appear reasonable.

And when the said Judgment is discharged and satisfied, Court may order Satisfaction to be entered up on such Judgment.

LXXXVII. And be it enacted, That when the Debts or Demands in respect of which such Judgment shall have been entered up as aforesaid shall have been discharged and satisfied, it shall be lawful for such Court, upon Application of the Insolvent, his Heirs, Executors, or Administrators, to direct Satisfaction to be entered on such Judgment, and the Production of the Order of the said Court for entering up such Satisfaction, or of a Copy thereof, under Seal of the said Court, of which said Order or Copy or Seal no Proof shall be requisite, other than the Production of such Order or Copy as aforesaid, shall be a sufficient Authority to the proper Officer for entering up the same; and that if in any Case it shall appear to the Satisfaction of the said Court that after the said Debts and Demands shall have been so discharged and satisfied as aforesaid there shall remain in the Possession or subject to the Control of his Assignee or Assignees any Property of any Kind or Description whatsoever which has come to such Assignee or Assignees, or to which he or they may claim Title by virtue of the Order made in that Behalf, or otherwise by virtue of his or their Office of Assignee or Assignees, it shall be lawful for the said Court, on such Application as aforesaid, to order that all such Property so remaining as aforesaid shall be vested in the Party so applying, and be forthwith delivered up to the said Party, and such Order shall have the Effect of vesting the same accordingly, and the same shall be forthwith delivered up to the said Party.

After 31st October 1848 this Act extended to the Settlement of Prince of Wales Island, Singapore, and Malacca.

LXXXVIII. 'And whereas it is desirable to extend the Benefit of this Act to Insolvent Debtors at the Settlement of *Prince of Wales Island, Singapore, and Malacca*;' be it therefore enacted, That from and after the Thirty-first Day of *October* One thousand eight hundred and forty-eight there shall be holden within the said Settlement of *Prince of Wales Island, Singapore, and Malacca* a Court for the Relief of Insolvent Debtors, which shall be a Court of Record, and shall be styled "The Court for Relief of Insolvent Debtors," and that the Court of Judicature of *Prince of Wales Island, Singapore, and Malacca* shall from Time to Time appoint such of their Officers, or, if the Officers of such Court shall be found insufficient, such additional Officers as may be necessary to transact the Business of such Court for the

the Relief of Insolvent Debtors, and to act as Official Assignees, Examiners, and ministerial Officers of such Court.

LXXXIX. And be it enacted, That a Court of Relief of Insolvent Debtors shall be holden within the said Settlement at such Place or Places as may be found most convenient, and as often as may be found necessary, and at least Four Times a Year, by the Recorder of *Prince of Wales Island, Singapore, and Malacca*, and it shall be lawful for such Court to adjourn from Time to Time; and the said Court of Judicature shall have Power and is hereby directed from Time to Time to establish Rules as to the Advocates and Attornies or Agents who may practise in the said Court for the Relief of Insolvent Debtors, and from Time to Time to establish Rules to regulate the Proceedings of such Court, and especially to prescribe in what Manner Notice shall be given to the Creditors of Parties applying for Relief under this Act, and in what Cases besides those mentioned in this Act Costs may be awarded, and shall prepare and cause to be sealed with its Seal a sufficient and proper List of Fees to be charged and received by the Officers of the said Court for the Relief of Insolvent Debtors, and shall and may from Time to Time alter and vary such List as may appear fit and proper, and shall certify under its Seal and transmit Copies of such Rules and Lists of Fees to the Court of Directors of the *East India Company*, to be by them or their Order delivered with their Observations thereon to the President of the Board of Commissioners of the Affairs of *India*, in order for the same to be laid before Her Majesty for Her Royal Approbation, Correction, or Revision; and other Copies of the same shall at all Times be fixed in some conspicuous Place in the Court for the Relief of Insolvent Debtors; and no other Fee or Gratuity shall be received or taken by any Officer, Attorney, or Agent practising in such last-mentioned Court, except such as shall be specified in such Lists.

A Court to be established in such Settlement, and held Four Times a Year by the Recorder.

XC. And be it enacted, That the several Powers, Provisions, and Clauses herein-before contained, subsequent to the Clause or Provision for regulating the Fees to be taken in the Courts for the Relief of Insolvent Debtors in *India*, shall apply and take effect in and with reference to the said Settlement of *Prince of Wales Island, Singapore, and Malacca* in the same Manner in all respects as if the said Powers, Provisions, and Clauses respectively were here repeated and re-enacted with reference thereto; and that in applying this last-mentioned Provision the said Court of Judicature at the said Settlement shall stand and be read in the Place of and for the Supreme Court of Judicature at *Calcutta*, and the Court for the Relief of Insolvent Debtors at the said Settlement in the Place of and for the said Court for the Relief of Insolvent Debtors at *Calcutta*, and the said Settlement in the Place of and for the Presidency of *Fort William and Town of Calcutta* respectively; and where in any Provision herein-before contained any Sum in Rupees is mentioned, such Provision shall apply in the said Settlement as if

The several Powers of this Act extended, with certain Exceptions, to the Settlement of *Prince of Wales Island, Singapore, and Malacca*.

a corresponding Sum in Dollars, at the Rate of Two and a Half Rupees to the Dollar, had been mentioned in such Provision; and where in any Provision herein-before contained any Period of Time is mentioned having reference to any Act to be done out of the United Kingdom, after Notice to be published in the *London Gazette*, such Provision shall apply in the said Settlement as if an additional Period of Four Calendar Months had been mentioned therein; and the several Schedules to this Act shall be applicable in the same Manner as if the same formed Part of the Clauses or Provisions referring to the same respectively.

Rules, &c. directed to be transmitted for Her Majesty's Approbation shall be in force till the Return of the same.

XCI. And be it enacted, That where any Rules or other Matters are herein-before directed to be transmitted for Her Majesty's Approbation, Correction, or Revision, the same respectively shall in the meantime be of full Force and shall so continue until the Expiration of Fourteen Days after the Court by whose Authority such Rules or other Matters shall have been made shall have received from the President of the Board of Commissioners for the Affairs of *India* a Communication of Her Majesty's Disallowance thereof, or of any Alterations directed by Her Majesty to be made therein.

Interpretation of Act.

XCII. And be it enacted, That whenever this Statute hath used the Words "Court for Relief of Insolvent Debtors," or any Words of Reference to the same, they shall include each Court for the Relief of Insolvent Debtors at *Calcutta*, *Madras*, and *Bombay* respectively; and Words describing the Petition of any Insolvent shall include the joint Petition of Two or more Insolvents, and all Provisions as to the one shall apply to the other; and Words importing the Singular Number or Masculine Gender only shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise provided, or there be something in the Subject or Context repugnant to such Construction.

Commencement of Act.

XCIII. And be it enacted, That this Act shall, as to all Matters not otherwise provided for, commence and come into operation on the First Day of *August* One thousand eight hundred and forty-eight.

This Act not to affect a certain Act of the Governor General in Council of 1841.

XCIV. Provided always, and be it enacted, That nothing in this Act contained shall affect an Act passed by the Right Honourable the Governor General of *India* in Council, in One thousand eight hundred and forty-one, for appropriating the unclaimed Dividends of Insolvent Estates.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Petition by Insolvent in Custody.

In the Court for Relief of Insolvent Debtors.

In the Matter of _____ an Insolvent.

To the Honourable the Commissioners of the said Court, the
humble Petition of _____ late of _____

Showeth,

THAT on the _____ Day of _____ your
Petitioner was committed to the Custody of the Sheriff, [by
virtue of a Writ of _____ issued against your Petitioner
at the Suit of the _____ for the Sum of _____,]
[and that Detainers have since been lodged against him at the
Suit of _____ and _____ for Sums of _____
and _____ respectively,] and that he is now a Prisoner
in the Common Gaol under the Process aforesaid.

That he is desirous of obtaining the Benefit of the Act for
the Relief of Insolvent Debtors in India.

Your Petitioner therefore humbly prays, that upon Com-
pliance with the Provisions of the said Act he may have the
Benefit of the same, and that all necessary Directions may be
given for that Purpose.

And your Petitioner, &c.

NOTE.

*The Blanks are to be filled up, and the Parts between Brackets
omitted or varied according to the Facts.*

*The Petition is to be signed by the Insolvent, and witnessed by
the Gaoler.*

A similar Form is to be adopted in the Case of a joint Petition.

SCHEDULE (B.)

Form of Petition of Insolvent not in Custody.

In the Court for the Relief of Insolvent Debtors.

In the Matter of _____ an Insolvent.

To the Honourable the Commissioners of the said Court, the
humble Petition of _____ of _____

Showeth,

THAT your Petitioner is in insolvent Circumstances.

That he is now residing at _____ within the Jurisdiction
of the Supreme Court of _____

That he is desirous of obtaining the Benefit of the Act for the
Relief of Insolvent Debtors in India.

Your

Your Petitioner therefore humbly prays, that upon Compliance with the Provisions of the said Act he may have the Benefit of the same, and that all necessary Directions may be given for that Purpose.

And your Petitioner, &c.

NOTE.

The Petition to be signed by the Petitioner, and witnessed by his Attorney.

SCHEDULE (C.)

In the Court for the Relief of Insolvent Debtors.

The Schedule of

In the Matter of

an Insolvent.

I the said do declare, That this my Schedule doth contain a full and fair Description of me, as to Name, Trade, Profession, and Abode, and of the Debts due or growing due from me, and of all and every Person to whom I am indebted, or who to my Knowledge and Belief claim to be my Creditors, together with the Nature and Amount of such Debts and Claims respectively, distinguishing such as are admitted from such as are disputed by me; and also a full, true, and perfect Account of all my Estate and Effects, Real and Personal, in possession, reversion, remainder, or expectancy, and also of all Places and Employments of Benefit to me, held by me, and also of all Pensions and Allowances which I have in possession or reversion, or which are held by any other Person for me or on my Behalf, or of or from which I derive or may derive any Manner of Benefit, and also of all Rights and Powers which I am, or any other Person in trust for me or for my Use or Benefit are, in any Manner whatever possessed of or interested in or entitled unto, or which I or any other Person in trust for me or for my Benefit have any Power to dispose of, charge, or exercise for my Benefit or Advantage, together with a full, true, and perfect Account of all the Debts due or growing due to me or any Person in trust for me or for my Benefit or Advantage, either solely or jointly with any other Person, and the Names and Places of Abode of the several Persons from whom such Debts are due and growing due, and of the Witnesses who can prove or other Evidence to prove such Debts, so far as I can set forth the same; and that this my Schedule doth fully and truly describe the Wearing Apparel, Bedding, and other such Necessaries and Working Tools and Implements of myself and my Family which are excepted by me from the Operation of the Act relating to Insolvents in India, together with the Value of such excepted Articles respectively.

CREDITORS.

CREDITORS.

No.	Names and Description of Creditors of Claimants, and their present or last Residence.	Amount.	When contracted.	Admitted or disputed.	Nature and Consideration of the Debt and Securities, if any; also why disputed, if disputed.

Where there are cross Demands, the Party must be entered both as Creditor and Debtor, and "set off" must be written under the Amount.

DEBTORS.

No.	Names and Descriptions and Places of Abode of Debtors.	Amount.	When contracted.	Good, bad, or doubtful.	Nature and Consideration of the Debt, also Securities (if any) for the same.	Witnesses, with their Residences, and other Evidence by which the Debt may be proved.

N.B.—If Property has been taken possession of by the Common Assignee, it must nevertheless be fully entered in the Schedule.

PROPERTY in possession.

		Supposed Value.		
1. Interest in Land, Houses, Rents, or other Real Estate.	Describe the Quantity of Estate, if less than the absolute Proprietary Right, as Lease for Years, Lease for Lives, &c.; local Description, Names of Tenants, annual Rent or Value; Statement of Incumbrances (if any) thereupon, with Description of them, and Dates.			
2. Goods, Choses in Action -	Household Furniture - - - Wearing Apparel (not excepted) - Jewels, Trinkets, and Ornaments - Plate, Linen, China, Glass - - Wines and other Liquors - - Books, Prints, and Pictures - - Horses and other Animals - - Carriages - - - - - Farming Stock, Crops, and Implements of Husbandry - - Other Crops on Cultivation - Stock in Trade, Machinery, and Utensils in my Business of - - Ships and Shares of Ships, describing the Ships by Name, and Master, or other sufficient Description - Cash, Bills, Notes, Bonds, &c.; any other Property not particularly specified			
3. Property in public Securities, Indian or otherwise, Shares in Companies, Annuities, &c.	Describe the Fund, Stock, Company, Security, &c., and state in whose Name, and also when and by whom, the last Dividend or other Payment in respect of the same was received, and Shares of Estate.			
4. Unpaid Legacies - -	Legacies, Shares of Intestates Estates, with all Particulars concerning the same - - - -			

PROPERTY in reversion, Places, Pensions, Allowances, Rights, and Powers.

Contingent as well as vested Interests must be entered.

Real and Personal Estate and Effects in which I have any Interest in reversion, remainder, or expectancy.

		Supposed Value of my Interest, if now to be sold.		
<div>1. Interests in Land, Houses, Rents, and other Real Estate.</div> <div>2. Personal Property, as Goods and certain Choses in Action.</div> <div>3. Other Personal Property, as public Securities, Indian or otherwise, Shares in Companies, Annuities.</div>	Describe the Property as in the Division relating to Property in possession ; add a Description of the Nature of the Interest, and from whom and in what Manner it is derived, with Names and Descriptions of Persons now enjoying the same, the Value or annual Value, according to the Nature of the Property, and in whose Name or Names the Property now stands, or who has the legal Interest therein, according to the Nature of the Property.			
Places, Pensions, and Allowances in possession or reversion.	Places of Employments held by me, with the Salaries, Fees, and Emoluments thereof ; also all Pensions and Allowances in possession or reversion held by me, or by any other Person or Persons for me, or on my Behalf, or of or from which I derive or may derive any Benefit.			
Rights and Powers -	Rights and Powers which I or any other Person or Persons in trust for me, or for my Use, Benefit, or Advantage, am or are in any Manner seised or possessed of or interested in or entitled unto, or which I or any other Person or Persons in trust for me or for my Benefit have any Power to dispose of, charge, or exercise for my Benefit or Advantage -			
Excepted Articles - -	Excepted Articles, and the Value thereof. Give a full Description of the excepted Articles and their Value.			

The Schedule to be signed by the Insolvent, and witnessed by his Attorney.
A similar Form must be adopted in the Case of a joint Schedule.

SCHEDULE (D.)

Form of Petition for Adjudication of Insolvency.

FORM No. 1.

In the Court for the Relief of Insolvent Debtors.

In the Matter of _____ an Insolvent.

To the Honourable the Commissioners of the said Court.

The humble Petition of _____ of
Showeth,

THAT on or about the _____ Day of _____ the
said [here state the Time and Place of the Charge in execution
or Commitment of the Prisoner, and the Amount of the Debt or
Sum of Money for which the Prisoner shall have been so charged
in execution or committed].

That your Petitioner is desirous that the said Prisoner should
be dealt with according to the Provisions of the Act for the
Relief of Insolvent Debtors in India.

Your Petitioner therefore humbly prays that the said
may be adjudged to have committed an Act of Insolvency, pur-
suant to the Provisions of the Act for the Relief of Insolvent
Debtors in India, and that the proper Order may thereupon be
made.

And your Petitioner, &c.

FORM No. 2.

In the Court for the Relief of Insolvent Debtors.

In the Matter of _____ an Insolvent.

To the Honourable the Commissioners of the said Court.

The humble Petition of _____ of
Showeth,

THAT _____ late of _____ (heretofore and
up to _____ carried on the Trade or Business of
at _____), and thereby, as your Petitioner is advised,
became a Trader within the Meaning of the Bankrupt Laws.

That on or about the _____ Day of _____ the
said _____ [here state shortly the Act or Acts of Insol-
vency relied on], whereby, as your Petitioner is advised and
believes, the said _____ is liable to be adjudged to
have committed an Act of Insolvency.

That at the Time aforesaid the said _____ was and
now is indebted to your Petitioner in the Sum of _____
[state for what the Party is indebted, as for Goods sold and
delivered, &c.]

Your Petitioner therefore humbly prays that the said
may be adjudged to have committed an Act of Insolvency, pur-
suant

suant to the Provisions of the Act for the Relief of Insolvent Debtors in India, and that the proper Order may thereupon be made.

And your Petitioner, &c.

NOTE.

The Blanks must be filled up, and the Parts within Brackets varied or supplied, as the Case may require.

A similar Form must be used in the Case of a joint Petition.

SCHEDULE (E.)

Form of Petition for Discharge in the Nature of a Certificate of an Insolvent not a Trader.

In the Court for the Relief of Insolvent Debtors.

In the Matter of _____ an Insolvent.

To the Honourable the Commissioners of the said Court.

The humble Petition of the said Insolvent

Showeth,

THAT on or about the _____ Day of _____
[the Circumstances to be stated shortly].

That the Estate of your Petitioner has realized One Third of the Amount of the Debts established in this Court in the Matter of the said Insolvency [or that the major Part in Number and Value of the Creditors of your Petitioner contained in the said Schedule, or who have since established their Debts in this Court, have consented to the Discharge of your Petitioner from all further Liability in respect of his aforesaid Debts, provided that this Court shall so order], as appears by the Schedule annexed to this Petition, to which your Petitioner craves leave to refer.

That your Petitioner is desirous of obtaining a Discharge in the Nature of a Certificate under the Provisions of the said Act.

Your Petitioner therefore humbly prays, that he may be discharged from all Liability in respect of such Debts, and that all necessary Directions may be given for that Purpose.

And your Petitioner, &c.

NOTE.

The Blanks must be filled up, and the Parts between Brackets varied, as the Case may require.

The Schedule to contain a Copy of the original Schedule, and of the Debts proved since, if any, and the Consents of the Creditors must be signed by them, or their Attornies specially authorized.

Form of Petition for Discharge in the Nature of a Certificate of an Insolvent Trader.

In the Court for the Relief of Insolvent Debtors.

In the Matter of **an Insolvent Trader.**

To the Honourable the Commissioners of the said Court.

The humble Petition of the said Insolvent
Showeth,

THAT your Petitioner, prior to his Insolvency, herein-after mentioned, carried on the Trade or Business of _____ and thereby became a Trader within the Meaning of the Bankrupt Laws.

That on or about the _____ Day of _____
your Petitioner petitioned for his Discharge, under the Act for
the Relief of Insolvent Debtors in India (or was adjudged by
this Court to have committed an Act of Insolvency).

That on or about the Day of
your Petitioner duly filed his Schedule in this Court, and that
your Petitioner is desirous of obtaining a Discharge in the
Nature of a Certificate under the Provisions of the Act relating
to Insolvent Debtors in India; and he therefore humbly prays
that all necessary Directions may be given for that Purpose,
and that your Petitioner may, by the Order of this Court for
his Discharge in the Nature of a Certificate, be discharged from
all Liability in respect of the Debts or Claims established, or
which might by Law be proved in this Court, in the Matter of
his Insolvency.

And your Petitioner, &c.

NOTE.

The Petitioner must annex to this Petition a Copy of his Schedule, and include all Debts established, though not included in the Schedule as originally filed.

The Blanks must be filled up, and the Parts between Brackets varied, as the Case may require.

CAP. XXII.

An Act for granting Relief to the Island of *Tobago*,
and for aiding the Colonies of *British Guiana* and
Trinidad in raising Money for the Promotion of
Immigration of free Labourers. [9th *June* 1848.]

‘ **W**HEREAS in consideration of the heavy Losses both of
‘ public and private Property which have been caused by
‘ a Hurricane in the Island of *Tobago* it is expedient that im-
‘ mediate Relief should be granted to the Inhabitants of that
‘ Island: And whereas by an Ordinance enacted by the Go-
‘ vernor of *British Guiana*, by and with the Advice and Consent
‘ of

‘ of the Court of Policy of the said Colony, intituled *An Ordinance to authorize the raising a Loan of the Sum of Five hundred thousand Pounds for Immigration Purposes*, Commissioners, to be appointed by Her Majesty in *England* under the said Ordinance for that Purpose, are empowered to borrow and raise Money in *Great Britain* upon the Security of the public Revenues of *British Guiana*, by issuing Bonds in the Manner therein provided for, to the Extent of the said Sum of Five hundred thousand Pounds; and the Money to be raised under such Ordinance is to be applied under the said Ordinance for the Encouragement of the Immigration of Labourers into the said Colony of *British Guiana*, and Purposes connected therewith: And whereas by an Ordinance enacted by the Governor of the Island of *Trinidad*, by and with the Advice and Consent of the Council of Government, intituled *An Ordinance for the raising of Money for the Purposes of Immigration*, such Agents as Her Majesty’s Secretary of State for the Colonies should from Time to Time appoint are empowered to borrow and raise Money in *Great Britain*, by issuing Bonds to the Extent of the Sum of Two hundred and fifty thousand Pounds, in the Manner therein provided for; and all Sums of Money to become due and payable by the said Colony by virtue of the said Ordinance are thereby declared to be charged upon the general Revenues of the Colony; and the Monies raised under such Ordinance are thereby made applicable to the Payment of the Expenses of introducing Labourers into the said Colony of *Trinidad*, and to the Repayment of Monies which have been applied in Payment of the like Expenses: And whereas it is expedient that Aid should be afforded to the said Colonies of *British Guiana* and *Trinidad* in raising the Monies authorized to be borrowed under the said Ordinances:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty’s Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, to direct any Sum or Sums, not exceeding Five thousand Pounds in the whole, to be issued and paid out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, for the immediate Relief of the Inhabitants of the said Island of *Tobago* who have suffered Losses in consequence of the late Hurricane there; and such Sum or Sums, not exceeding Five thousand Pounds in the whole, shall and may be paid to such Person or Persons, at such Time or Times, and in such Proportions, and under such Conditions and Restrictions, as the said Commissioners of Her Majesty’s Treasury shall think fit to direct.

II. And be it enacted, That it shall and may be lawful for the said Commissioners of Her Majesty’s Treasury to cause Exchequer Bills to be made out at the Receipt of the Exchequer for any Sum or Sums of Money not exceeding in the whole Two hundred

Power to Treasury to authorize the Advance of 5,000*l.* for the immediate Relief of Inhabitants of the Island of *Tobago*.

Treasury may cause Exchequer Bills to the Amount of 220,000*l.*, to be made out as

prescribed by
48 G. 3. c. 1.
4 & 5 W. 4.
c. 15., and 5 & 6
Vict. c. 66.

Recited Acts as
to Exchequer
Bills to apply
to this Act.

Exchequer Bills
to bear Interest
not exceeding
3½d. per Centum
per Diem.

Exchequer Bills
issued under
this Act to be
taken and shall
pass in Payment
of Taxes, &c.

Treasury may
order Payment
of Exchequer
Bills out of
Consolidated
Fund.

Treasury may
advance 50,000*l.*
for Relief of
Tobago, and
170,000*l.* to
encourage Im-
migration of
free Labourers
into Guiana and
Trinidad.

Treasury may
advance 50,000*l.*

and twenty thousand Pounds, in like Manner as is prescribed in and by an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for regulating the and issuing paying off of Exchequer Bills*, and in and by another Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at Westminster*, and in and by another Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills*.

III. And be it enacted, That all the Clauses of the said Acts shall be applied to the Exchequer Bills to be made out in pursuance of this Act, as fully as if the said several Clauses had been herein particularly re-enacted.

IV. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* in respect of the whole of the Monies respectively contained therein, and shall be made payable at such Times as shall be fixed by the said Commissioners of Her Majesty's Treasury; nevertheless so that all such Bills shall be made payable within Three Years from the Date thereof.

V. And be it enacted, That all the Exchequer Bills to be issued by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncanceled after the respective Days on which they shall become payable, shall be taken and shall pass and be current to all the Receivers and Collectors in *Great Britain* and *Ireland* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, which shall be payable to Her Majesty, Her Heirs and Successors, and also at the Banks of *England* or *Ireland*, to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

VI. And be it enacted, That it shall and may be lawful for the said Commissioners of Her Majesty's Treasury to order and direct the Payment out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of all Exchequer Bills issued under the Authority of this Act.

VII. And be it enacted, That it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, out of the Exchequer Bills authorized to be issued under this Act, to lend in the Manner herein-after provided Exchequer Bills for any Sum or Sums not exceeding in the whole Fifty thousand Pounds, for the Relief of the Island of *Tobago*, and for any Sum or Sums not exceeding in the whole One hundred and seventy thousand Pounds in aid of the Provision made by the Legislatures of *British Guiana* and *Trinidad* for promoting and encouraging the Immigration of free Labourers.

VIII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to advance and lend the

the said Sum of Fifty thousand Pounds so apportioned as above mentioned for the Relief of the Island of *Tobago*, or any Part or Parts thereof, to such Person or Persons as shall be duly authorized by any Act or Acts passed or to be passed by the Legislature of the said Island to borrow the same, on the Credit of the Revenues or the public Property thereof, so soon as the said Commissioners of Her Majesty's Treasury shall be satisfied that Repayment of the several Sums so to be advanced, with Interest thereon at the yearly Rate of Four Pounds by the Hundred, is duly secured by some Act or Acts passed or to be passed by the said Legislature of the said Island.

for Relief of
Tobago to Per-
sons authorized
by Act of Legis-
lature to receive
the same ;

IX. And be it enacted, That it shall and may be lawful to and for the said Commissioners of Her Majesty's Treasury to advance and lend the aforesaid Sum of One hundred and seventy thousand Pounds, being the Residue of the Exchequer Bills authorized to be issued under this Act, to the said Commissioners for borrowing and raising Monies on the Security of the Revenues of *British Guiana*, and to the said Agents for borrowing or raising Money on the Security of the Revenues of *Trinidad*, or either to such Commissioners or to such Agents, in such Proportion or Proportions, and Sum or Sums, as the said Commissioners of Her Majesty's Treasury shall see fit.

and 170,000*l.*
for British
Guiana and
Trinidad to
Persons autho-
rized to receive
the same.

X. And be it enacted, That the said Sum or Sums so to be advanced and lent in Exchequer Bills to the said Commissioners or Agents shall be advanced or lent upon the Security of such Bonds as the said Commissioners or Agents are respectively authorized and empowered to issue as aforesaid ; and such Bonds shall be made or assigned to such Persons, in trust for Her Majesty, as the said Commissioners of Her Majesty's Treasury shall approve ; and the Monies lent upon such Securities shall be made repayable, together with Interest thereon at and after the yearly Rate of Four Pounds by the Hundred, in such Manner as the said Commissioners of Her Majesty's Treasury may under the Terms of the said respective Ordinances require.

Exchequer Bills
to be advanced
upon Security,
and to be repaid,
with Interest,
as the Treasury
may require.

XI. And be it enacted, That the said Commissioners of Her Majesty's Treasury shall deliver to the Person or Persons to whom any of the said Exchequer Bills shall be advanced as aforesaid a Certificate or Certificates under their Hands, or the Hands of any Three or more of them, specifying the Amount of the Sums to be advanced, which Certificate or Certificates shall be respectively numbered and marked in the Course and Order in which the same shall be delivered, and, being deposited with the proper Officer or Officers, shall be a sufficient Authority, without other Warrant, to such Officer or Officers to deliver such Exchequer Bills to the like Amount and Value as shall be therein described.

Treasury to de-
liver Certificates
of Amount ad-
vanced to the
Persons autho-
rized to receive
the same.

XII. And be it enacted, That if it shall appear to the said Commissioners of Her Majesty's Treasury to be expedient that all or any Part or Parts of the said several Advances or Loans for the Relief of the Island of *Tobago*, or for the Promotion of Immigration to *British Guiana* and *Trinidad*, or any or either of them, should be made by the Issue of Money from the Con-
solidated

Treasury may
advance Money
from Consoli-
dated Fund
instead of in
Exchequer
Bills.

solidated Fund of the United Kingdom of *Great Britain and Ireland*, instead of in Exchequer Bills as aforesaid, in such Case it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, or any Three or more of them, by Warrant or Warrants under their Hands, to direct any Sum or Sums, not exceeding Two hundred and twenty thousand Pounds in the whole, to be issued out of the growing Produce of the said Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, for the Purpose of making all or any Part or Parts of the several aforesaid Advances, not exceeding the Amount of Fifty thousand Pounds, on the Security of the Revenue of the Island of *Tobago*, and not exceeding the Amount of One hundred and seventy thousand Pounds towards the Loans to be raised for the Promotion of Immigration to *British Guiana* and *Trinidad*, or either of them; and such Sum or Sums shall and may be paid to such Person or Persons, at such Time or Times, and in such Proportions as the said Commissioners of Her Majesty's Treasury shall see fit to direct; and the said Advances so to be made from the said Consolidated Fund shall be issued and paid to the same Person or Persons, and upon the same Security, and subject to the like Conditions and Restrictions, as respects Rate of Interest, and Period and Terms of Repayment, or otherwise, as if the same had been made in Exchequer Bills as aforesaid, and shall be in all respects in lieu of and substituted for the Principal Sums which would have been included in the said Exchequer Bills.

Bank of England to open and keep an Account with the Treasury for the Purposes of this Act.

XIII. And be it enacted, That the Governor and Company of the Bank of *England* shall open and keep an Account in their Books with the said Commissioners of Her Majesty's Treasury, under the Title of the "*Tobago Relief and British Guiana and Trinidad Immigration Loan Fund Account*," and shall carry to the Credit of such Account the several Monies by this Act directed to be paid by the Cashiers of the said Bank; and whenever the said Commissioners of Her Majesty's Treasury shall have lent any of the Exchequer Bills or Monies out of the Consolidated Fund authorized to be advanced in pursuance of this Act to any Person or Persons, the said Commissioners shall, at some Time before the Time appointed for the Repayment of the Sums contained in the said Bills or so lent, deliver to such Person or Persons, at his or their Request, One or more Certificate or Certificates under the Hands of any Three or more of them, specifying the Amount of the Exchequer Bills or Monies advanced to such Person or Persons, and the Amount of the Money to be received on account thereof; and the said Cashiers of the Bank, or One of them, shall, upon the Production of such Certificate or Certificates, receive from the Person or Persons producing the same the Amount of the Money therein mentioned to be receivable, and at the Foot of such Certificate or Certificates shall acknowledge the Receipt of the said Money, without Fee or Reward; and every Receipt so given as aforesaid shall be afterwards brought to the Office of Her Majesty's Exchequer, and shall be there entered in proper

proper Books, to be provided and kept for that Purpose by the Comptroller of the Exchequer; and the said Comptroller shall attest the same under his Hand, and return the same to the Person or Persons producing the same at the said Office; and every such Receipt so attested, and every such Entry in any of the said Books, shall thenceforth be a valid and effectual Acquittance and Discharge for the Sum or Sums expressed therein to have been received.

XIV. And be it enacted, That all Sums of Money which shall be paid into the Bank of *England* under this Act shall be transferred to the Account kept at the Bank of *England* with Her Majesty's Exchequer as "Repayments of *Tobago Relief* and *British Guiana* and *Trinidad* Immigration Loan Advances," to be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* on the Books of the Comptroller General of Her Majesty's Exchequer.

Repayments under this Act into the Bank to form Part of Consolidated Fund.

XV. And be it enacted, That the Commissioners of Her Majesty's Treasury shall cause to be prepared, and shall lay before both Houses of Parliament within Fourteen Days next after the Fifth Day of *January* in every Year, if Parliament shall be then sitting, and if not then within Fourteen Days next after the Beginning of the next Session of Parliament, an Account of all Sums advanced to the said Islands of *Tobago* or *Trinidad*, or to the Colony of *British Guiana*, under this Act, and also an Account of all Sums repaid by reason of such Advances, with the Interest paid thereon, made up for the Year ended the Fifth Day of *January*.

Accounts to be laid before Parliament.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

CAP. XXIII.

An Act to alter and amend an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to incorporate the Contributors for the Erection of a National Monument in Scotland to commemorate the Naval and Military Victories obtained during the late War.*

[9th June 1848.]

‘ WHEREAS an Act was passed in the Third Year of the
 ‘ Reign of His late Majesty King *George* the Fourth,
 ‘ intituled *An Act to incorporate the Contributors for the Erec-*
 ‘ *tion of a National Monument in Scotland to commemorate the*
 ‘ *Naval and Military Victories obtained during the late War,*
 ‘ under the Provisions of which Act various Parties Contribu-
 ‘ tors were incorporated under the Name of “The Royal Asso-
 ‘ ciation of Contributors to the National Monument of Scot-
 ‘ land;” and a Capital not exceeding Fifty thousand Pounds
 ‘ was authorized to be raised by Subscription and Contribution,
 ‘ for the Purpose of erecting a Building of ornamental Archi-
 ‘ tecture

3 G. 4. c. 100.

Objects of
Monument
made more
comprehen-
sive.

Design of
Monument.

Power to raise
additional
Funds.

Amount of
Shares, and

‘ tecture appropriate to the Objects and Uses of a National
 ‘ Monument for *Scotland*, with a Church or Place for Divine
 ‘ Worship connected therewith, and Places of Sepulture beneath
 ‘ or connected with the same : And whereas a Site on the *Calton*
 ‘ *Hill of Edinburgh* was granted to the said incorporated Con-
 ‘ tributors for the Erection of the said National Monument by
 ‘ the Lord Provost, Magistrates, and Town Council of the City
 ‘ of *Edinburgh*, and a Portion of the said Capital Sum was
 ‘ raised and expended in the Erection of Part of the said
 ‘ Monument, according to Plans thereof adopted by the Direc-
 ‘ tors or Committee of Management, and sanctioned by General
 ‘ Meetings of the said Association ; but the Progress of the said
 ‘ Work has for a considerable Period been interrupted by the
 ‘ Want of the necessary Funds and by other Obstructions to its
 ‘ Prosecution : And whereas, in order to the renewed Prose-
 ‘ cution and Furtherance of the said Work, it is expedient that
 ‘ the destined Objects of the said Monument should be made in
 ‘ some respects more comprehensive, and in other respects be
 ‘ altered, and that the Sum authorized to be raised for its Con-
 ‘ struction should be increased, and that the Provisions for
 ‘ carrying out the Purposes of the Subscribers and Contributors
 ‘ should in regard to these and in other Particulars be amended :’
 But as these Purposes cannot be effected without the Aid and
 Authority of Parliament, May it therefore please Your Majesty
 that it may be enacted ; and be it enacted by the Queen’s most
 Excellent Majesty, by and with the Advice and Consent of the
 Lords Spiritual and Temporal, and Commons, in this present
 Parliament assembled, and by the Authority of the same, That
 from and after the passing of this Act the said National Monu-
 ment of *Scotland* shall no longer be restricted in its Objects to
 those specified in the said recited Act, but that the said Monu-
 ment shall on its Completion be devoted to the Purpose of a
 Receptacle or Gallery for Monumental Busts and Statues or
 other Memorials of great and distinguished Persons of all
 Nations and Periods.

II. And be it enacted, That the Plan and Design of the said
 National Monument, in its external Architecture and in its
 internal Decoration, shall be such as has been already adopted
 by the said Directors or Committee of Management, and been
 approved of by the said Association : Provided always, that it
 shall be competent to the said Directors or Committee or to the
 said Association to make such Alterations upon the Details of
 the said Plan from Time to Time as may seem expedient.

III. And be it enacted, That it shall and may be lawful to
 and for the said Association of Contributors, for the Purposes
 aforesaid, to raise and contribute amongst themselves, or by
 Subscription or Contribution of others, any Sum or Sums of
 Money not exceeding in the whole the Sum of One hundred
 and fifty thousand Pounds, in addition to the Monies authorized
 to be raised under the said recited Act.

IV. And be it enacted, That all and every such Person or
 Persons, Bodies Politic, Corporate, or Collegiate, who may have
 subscribed

subscribed or shall subscribe to the Amount of Five Pounds Sterling each, whether towards the Capital authorized to be raised by the said recited Act or by this Act, and whether in One Payment or to be paid by such Instalments as may be required by the Committee of Management of the said Association, and their several and respective Successors, Executors, Administrators, and Assigns, shall be Members of the said Association, with all the Powers conferred by the said recited Act, and each Subscription to the Amount of Five Pounds shall constitute a Share in the Association; and the respective Subscribers shall be entitled to hold as many Shares in the same as they may hold Subscriptions therein to the Amount of Five Pounds.

Qualification of Membership.

V. And be it enacted, That the said Association shall be entitled to accept of Subscriptions and Contributions from any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to a less Amount from each than Five Pounds Sterling, but such Subscriptions and Contributions shall not entitle the Subscribers or Contributors to be Members of the Association, but shall be considered to be Donations only.

Contributions under 5*l.* may be received.

VI. And be it enacted, That the Shareholders present at stated General and Special Meetings under the said recited Act shall have a Vote for each Share held by them, but that such Shareholder shall not be entitled to exercise more than Twenty Votes, although possessed of more than Twenty Shares in the said Undertaking; and every Shareholder who is Proprietor of Five or more Shares, and who cannot attend such stated General and Special Meeting, shall be entitled to vote by Proxy for every Share held by such Shareholder, not exceeding Twenty Shares in the whole, although possessed of more than Twenty Shares in the said Monument, in the same Manner as is provided in regard to such voting in the said recited Act.

No Party to have more than Twenty Votes.

VII. And be it enacted, That the just and necessary Expenses of all Meetings of the said Association shall be defrayed from the Funds of the said Association.

Expenses of Meetings.

VIII. And be it enacted, in regard to all General Meetings of the said Association held under the Provisions of the said recited Act, That Eight Days previous Notice, by Advertisement in any One or more of the Newspapers published in *Edinburgh*, of such Meetings, shall be sufficient for the Purposes of the said Act and of this Act.

Notice of General Meetings.

IX. And be it enacted, in regard to the Meetings of the Committee of Management of Directors, That Notice given by the Secretary at least Three Days before any such Meeting shall be sufficient for the Purposes of the said recited Act and this Act.

Notice of Meetings of Committee.

X. And be it enacted, That no Person shall be eligible as an ordinary Director or a Member of the Committee of Management of the said Association who is not possessed of at least Five Shares in the said Association: Provided always, that the Lord Provost for the Time being of the City of *Edinburgh*, or in

Qualification of Directors.

Secretary not to retain more than a certain Sum of Money in his Hands.

Church need not be constructed, nor Places of Sepulture.

New Trustees to be elected.

Monument to be vested in Trustees.

Power to appoint new Trustees.

Committee of Management or Trustees to decide as to Reception of Busts, &c.

in his Absence the Senior Bailie thereof, shall *ex officio* be a Director and Member of the said Committee of Management.

XI. And be it enacted, That the Secretary of the said Association for the Time being shall at no Time retain in his Hands a larger Sum than One hundred Pounds Sterling belonging to the said Association, and received or held by him for the Purpose of this or the said recited Act, but shall immediately pay into the Hands of the Treasurer all Sums exceeding that Amount which may from Time to Time be deposited with or have been uplifted by him.

XII. And be it enacted, That the said Association shall no longer be obliged to construct or appropriate and set apart any Portion of the said Monument by this and the said recited Act authorized to be erected as a Church or Place for Divine Worship, and it shall not be necessary to make or construct Places of Sepulture beneath or connected with the said Monument, any thing in the said recited Act notwithstanding.

XIII. And be it enacted, That so soon as the said Monument shall be completed a Special Meeting of the whole Shareholders shall be called and held, at which Meeting it shall be lawful for the Shareholders present or represented to declare by their Votes the Parties, not exceeding Fifteen in Number, to whom, amongst with the official Persons after mentioned, the Care and Preservation of the said Monument, and the Management and Control of the future Arrangements and Uses of the same, shall be committed as Trustees.

XIV. And be it enacted, That the following Persons, and their respective Successors in Office, shall *ex officiis* be the Trustees in whom, amongst with the other Parties to be declared at such Special Meeting or assumed in manner after mentioned, the said Monument shall be vested upon its Completion, for the Purposes before and after mentioned; (*videlicet*,) the Lord Justice General of *Scotland*, the Lord Justice Clerk of *Scotland*, the Lord Advocate of *Scotland*, the Solicitor General of *Scotland*, the Dean of the Faculty of Advocates, the Lord Provost of the City of *Edinburgh*, the Lord Provost of the City of *Glasgow*, and the Principals of the Universities of *Saint Andrew's*, *Glasgow*, *Aberdeen*, and *Edinburgh*, all for the Time being.

XV. And be it enacted, That it shall be lawful to the said Trustees to appoint from Time to Time other Persons to be Trustees, in the Room of any of the Trustees, not being Trustees *ex officiis*, who may have died or resigned.

XVI. And be it enacted, That it shall be lawful to the Committee of Management of the said Association during the Progress of the said Monument, and after the Completion thereof it shall be lawful to the Trustees to be appointed under and in virtue of this Act, and the said Committee and Trustees shall have the full and exclusive Right, to determine whether any Bust, Statue, or other Memorial shall be acquired for the said Monument, and whether any Bust, Statue, or other Memorial which shall be presented or tendered shall be received into the said

said Monument, and their Judgment and Decision in such Matter shall be final and conclusive, and they shall also have the exclusive Right of determining as to the Position and Disposal of such Busts, Statues, or Memorials within the said Monument: Provided always, that when any Bust, Statue, or Memorial shall have been received into the said Monument the same shall not be removed therefrom.

XVII. And be it enacted, That it shall be lawful to the said Association, at any General or Special Meeting thereof, during the Progress of the Work, and until the said Monument shall be vested in Trustees in manner before mentioned, and to the said Trustees after the said Monument shall be vested in them respectively, to make such Rules, Regulations, and Bye Laws as they shall think expedient, for Admission to view the said Monument or any Part thereof, or to study the Works of Art that may be deposited therein, or with which the same may be decorated, and for the Care and Preservation and Management and Control of the said Monument and Works of Art.

Association and Trustees may make Bye Laws.

XVIII. And be it enacted, That Three or more of the said Trustees present at any Meeting thereof shall be a Quorum for the Purposes of this Act.

Quorum of Trustees.

XIX. And be it enacted, That the Monies to be raised by the said Association in virtue of this and the said recited Act shall be laid out and applied, in the first place, for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expenses incurred in applying for, obtaining, and passing this Act, and all the necessary Expenses preparatory and relative thereto; and all the Residue and Remainder of the said Monies shall be laid out and applied in erecting, completing, and preserving the aforesaid Edifice and Decorations thereof, and other Works connected therewith, and to no other Use, Intent, or Purpose whatsoever.

Application of Money to be raised.

XX. And be it enacted, That the whole Powers and Provisions by the said recited Act and by this Act conferred on the Directors and Committee of Management of the said Association, in so far as the same shall be subsisting and capable of taking effect, shall be competent and applicable to and be exercised by the Trustees appointed and to be declared and assumed under and by virtue of this Act.

As to Exercise of Powers conferred on Directors by recited Act and this Act.

XXI. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.

Public Act.

CAP. XXIV.

An Act for disfranchising the Freemen of the Borough
of *Great Yarmouth*. [30th June 1848.]

After passing
of this Act no
Freeman of
Great Yar-
mouth to vote
as such at any
future Election
for Members of
Parliament.

‘ WHEREAS a Select Committee of the House of Commons,
‘ appointed in the present Session of Parliament to try the
‘ Matter of certain Petitions complaining of an undue Election
‘ of Members to serve in Parliament for the Borough of *Great*
‘ *Yarmouth*, have reported their Opinion, from the Evidence
‘ laid before them, that gross, systematic, and extensive Bribery
‘ prevailed at the last and at the previous Election for the
‘ Borough of *Great Yarmouth* amongst the Freemen of that
‘ Borough; and the said Committee have also expressed to the
‘ House of Commons their unanimous Opinion that the Free-
‘ men of the Borough of *Great Yarmouth* should be disfran-
‘ chised, and that no Writ should be issued for the said Borough
‘ until legislative Measures should have been taken for the
‘ Purpose of such Disfranchisement:’ Be it enacted by the
Queen’s most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in
this present Parliament assembled, and by the Authority of the
same, That from and after the passing of this Act no Freeman
of the said Borough of *Great Yarmouth* shall be entitled to vote
as such in any Election of a Member or Members to serve in
Parliament for the said Borough.

CAP. XXV.

An Act to extend the Powers given by former Acts for
purchasing or hiring Land in connexion with or for the
Use of Workhouses in *Ireland*; and for providing for
the Burial of the Poor. [30th June 1848.]

1 & 2 Vict. c. 56.

10 & 11 Vict.
c. 31.

‘ WHEREAS by an Act passed in the Second Year of the
‘ Reign of Her present Majesty, intituled *An Act for the*
‘ *more effectual Relief of the destitute Poor of Ireland*, Power was
‘ given to the Poor Law Commissioners to purchase or hire any
‘ Land of any Tenure, not exceeding Twelve Acres Imperial
‘ Measure, for the Purpose of building a Workhouse thereon,
‘ or to be occupied with any such Workhouse: And whereas by
‘ another Act passed in the Tenth Year of the Reign of Her
‘ present Majesty, intituled *An Act to make further Provision for*
‘ *the Relief of the destitute Poor in Ireland*, further Power was
‘ given to the said Commissioners to purchase or hire Land not
‘ exceeding Three Statute Acres, in addition to the aforesaid
‘ Twelve Acres, to be used for the Site of a Fever Ward, or for
‘ a Cemetery, or for such other Purpose as the said Commis-
‘ sioners might approve: And whereas it is desirable that the
‘ Powers of the Commissioners for administering the Laws for
‘ the Relief of the Poor in *Ireland* to hire or purchase Land
‘ should

‘ should be further extended, in order that a greater Quantity
 ‘ thereof may be cultivated for the Employment of Children or
 ‘ Persons under the Age of Sixteen who are Inmates of Work-
 ‘ houses, and for the further Purpose of thus instructing such
 ‘ Children in an improved System of the Cultivation of Land:’

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Majority of the Guardians of any Union to memorialize the Commissioners to hire or purchase such additional Quantity of Land as may be deemed necessary for the aforesaid Purposes, according to the Circumstances of the Union; and on Receipt of such Memorial it shall be lawful for the Commissioners, by and with the Approval of the Lord Lieutenant of *Ireland*, to hire or purchase such Quantity of Land as they shall think requisite for the Purposes aforesaid: Provided always, that the Quantity of Land so hired or purchased shall not exceed Twenty-five Statute Acres in addition to the Quantity heretofore authorized by Law, and shall be used solely for the Purposes above stated.

Boards of Guardians may memorialize Commissioners to purchase or hire additional Land, who may, with Consent of Lord Lieutenant, purchase or hire the same;

not to exceed 25 Statute Acres.

II. And be it enacted, That so much of the said recited Act passed in the Tenth Year of the Reign of Her present Majesty as extends to other Parts of *Ireland* certain Provisions of the said Act relating to the Establishment of Schools in the *North* and *South Dublin* Unions, and which authorizes the Poor Law Commissioners to combine Unions into School Districts for the Management of certain Classes of infant Poor in the said Act specified, be repealed; and in lieu thereof it shall be lawful for the Commissioners for administering the Laws for the Relief of the Poor in *Ireland* to combine any Two or more Unions in *Ireland* for the Maintenance and Education of Children not above the Age of Fifteen Years, being Inmates of the Workhouses of such Unions respectively; and that all the Provisions of the said Act which relate to the hiring and purchasing of Land for the like Purpose in respect of the *North* and *South Dublin* Unions, the Erection of a School on such Land, the Contribution to the Cost thereof, and the Expenses of furnishing, fitting up, and otherwise providing such School, the Mode of charging the Maintenance of the Children, and regulating the proportionate Numbers thereof to be received from each Union, the Establishment of a Board of Management of such School, and the Appointment of Officers for the Superintendence thereof, and all other the Powers and Provisions relating to the Establishment of such School for the Use of the *North* and *South Dublin* Unions, shall apply in like Manner to every Combination of Two or more Unions under this Act.

So much of recited Act 10 & 11 Viet. c. 31. as extends certain Provisions as to Schools in the *North* and *South Dublin* Unions to other Parts of *Ireland* repealed; and other Provisions enacted in lieu thereof.

III. And be it enacted, That it shall be lawful for the Board of Guardians of any Union in *Ireland* to provide a Coffin for the Burial of any deceased Person who at the Time of his or her Death shall have been receiving Relief out of the Workhouse, at the Charge of the said Union or any Electoral Division therein, or who shall have been at the Time of his or her

Boards of Guardians may provide Coffins for Burial of Persons who at the Time of Death were receiving Outdoor Relief.

Death dependent for Support on any Person receiving such Relief, and to charge the Cost of providing such Coffin to the Union at large or Electoral Division to which such Relief shall have been chargeable, as the Case may be.

Former Acts
and this Act to
be construed
as One.

IV. And be it enacted, That the several Acts now in force for the Relief of the destitute Poor in *Ireland* and this Act shall be construed as One Act, except so far as the Provisions of any one of such Acts may repeal or alter the Provisions of any previous Act.

Act may be
amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XXVI.

An Act to remove Difficulties in the Appointment of Collectors of Grand Jury Cess in *Ireland* in certain Cases, and to remove Doubts as to the Jurisdiction of the Divisional Justices of the Police District of *Dublin* Metropolis relating to the Recovery of Poor Rates, and other Cases. [30th June 1848.]

6 & 7 W. 4. c. 116. **W**HEREAS by an Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland*, it is amongst other things provided, that the Grand Jury of each County in *Ireland* shall at each Assizes appoint a proper Person to be High Constable and Collector for each Barony in such County, to collect all Monies presented to be raised on such Barony, or a County of a City, or County of a Town, in manner therein particularly specified; and that if any such High Constable or Collector shall happen to die before he shall have collected the whole of the Money presented to be raised, or if any Case of Vacancy shall occur, it shall be lawful for the Justices of the Peace at any General Quarter Sessions, or Adjournment thereof, to appoint another Person to be High Constable or Collector *pro tempore* until a High Constable or Collector shall be appointed by the Grand Jury; and it is also provided that no Person shall act as High Constable or Collector unless he shall have given Security, as therein mentioned, at the Assizes before the Grand Jury by whom he shall have been appointed, or before the Justices of the Peace at the General Quarter Sessions, if he shall have been appointed at such Sessions, as therein in certain Cases provided; and on his producing the Treasurer's Certificate as therein mentioned it shall be lawful for the Grand Jury to present a Sum not exceeding Nine-pence in the Pound on the Amount of the Collection to be paid to such High Constable or Collector for his Trouble therein: And whereas it has sometimes happened that properly qualified Persons could not be duly appointed at the Assizes to act as High Constables

‘ stables or Collectors for certain Baronies or Places, by reason
 ‘ of such Persons not presenting themselves at the Assizes to
 ‘ accept such Appointment, or by reason of Persons appointed
 ‘ to such Office not being able to perfect their Securities at the
 ‘ Assizes; and it may also happen that a Vacancy in the
 ‘ Office of High Constable or Collector may occur in the
 ‘ Interval between the General Quarter Sessions which takes
 ‘ place next before the Assizes and the first Day of such
 ‘ Assizes, whereby the Public Cess then unpaid cannot be
 ‘ collected on or before such ensuing Assizes; and it is expe-
 ‘ dient to make Provision in such Cases, and to enable the
 ‘ Grand Jury to increase the Amount of the Collector’s Pound-
 ‘ age to the Extent and in the Cases herein-after mentioned:’

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Case in which for any of the Reasons aforesaid, or for any other Cause, it shall have happened or shall hereafter happen that any Grand Jury of any County, County of a City, or County of a Town in *Ireland*, shall not have at any Assizes appointed a High Constable or Collector of Cess for each Barony of such County, or for such County of a City, or County of a Town, or if any Case of Vacancy shall occur or exist after the Assizes and before the first ensuing General Quarter Sessions of the Peace, or in case it shall happen that a Vacancy in the Office of High Constable or Collector shall take place or exist in the Interval between the said first General Quarter Sessions of the Peace and the first Day of the then next ensuing Assizes, as the Case may be, it shall be lawful for the Justices of the Peace of the said County, County of a City, or County of a Town, at any General Quarter Sessions of the Peace or Adjournment thereof, or in case of a Vacancy occurring or existing between the said first General Quarter Sessions and the first Day of the ensuing Assizes as aforesaid, then at a Special Sessions of the Peace to be called by the Clerk of the Peace in Two Days after the Receipt of the written Requisition of the Treasurer for the Purpose, at the County or Assize Town or Sessions Town of the Division in which such Barony is situate (giving Six Days Notice thereof to such Justices resident in such Division), to appoint a fit and proper Person to be High Constable or Collector of Cess as aforesaid for any Barony of such County, County of a City, or County of a Town for which no such High Constable or Collector of Cess shall have been appointed at the Assizes by the Grand Jury, or for which such Vacancy shall occur or exist in manner aforesaid, as the Case may be; and it shall be lawful for any such Person so appointed to give such Security as aforesaid before such Justices, in like Manner as directed by the said recited Act; and in case any Person appointed as aforesaid by the Grand Jury at the Assizes shall not have given Security before such Grand Jury, as by the said recited Act required,

Whenever a Grand Jury at the Assizes shall not have appointed Collectors of Cess for each Barony, &c., or when the Persons appointed shall not have given Security at the Assizes, the Quarter Sessions may appoint Collectors, or take the Security.

it shall be lawful for such Person so appointed to give such Security before the Justices of the Peace of such County, County of a City, or County of a Town, at the next General or Quarter Sessions of the Peace for the Division of the County in which such Barony is situate; or in default thereof it shall be lawful for such Justices, at any General or Quarter Sessions of the Peace, or Adjournment thereof, for such County, or at such Special Sessions as aforesaid, to appoint some other fit and proper Person to act as High Constable or Collector for such Barony or Place in lieu of the Person so appointed by the Grand Jury; and it shall be lawful for the Person so appointed by such Justices to give such Security as aforesaid before such Justices at such Sessions in the like Manner as if the same were given at the Assizes before the Grand Jury; and all the Provisions of the said recited Act, or any Act amending the same, or of any other Act or Acts relating to any such High Constables or Collectors of Cess, shall be extended and applied to any High Constable or Collector of Cess appointed and giving Security as aforesaid, or only giving Security as aforesaid, under the Provisions of this Act, as fully and effectually as if he were a High Constable or Collector of Cess duly appointed by and giving Security before the Grand Jury at the Assizes under the Provisions of the said recited Act.

Personal Representatives of deceased High Constable or Collector to deliver last Warrants to the Treasurer of the County, together with the Applotments made.

II. And be it enacted, That if any such Vacancy as aforesaid shall have occurred by the Death of the High Constable or Collector, the personal Representatives of the deceased High Constable or Collector shall, previous to such General or Special Sessions, as the Case may be, deliver over to the Treasurer of the County the Warrants issued by him to the said Collector, together with all Applotments that may have been made of the Sum or Sums specified in the said Warrant; and the Deputies appointed by the said High Constable or Collector are hereby required to attend at such General or Special Sessions, as the Case may be, and to produce and deliver to the said Justices Accounts of the several Sums received by them respectively under and by such Warrants and Applotments, specifying the Sum paid by each Person named in such Applotments, and the Sum still remaining due and unpaid, and the Names of the Persons by whom the same are owing; and each Deputy shall make an Affidavit before the said Justices (who are hereby authorized to take the same) of the Truth of such Accounts, which Accounts and Affidavits the said Justices shall also transmit to the Treasurer of the County; and in case any such personal Representative of such deceased High Constable or Collector, or any such Deputy or Deputies, shall neglect or refuse to deliver over the said Warrants and Applotments, and any Money or Monies received by them, and all Applotments or other Documents relating to the Collection of such Public Cess, or refuse to make the Affidavit, as directed by this Act, such personal Representative or Representatives, and Deputy or Deputies, shall forfeit the Sum of Fifty Pounds, to be

be recovered, in the Name of the Treasurer of the County, by Civil Bill, before the Assistant Barrister of such County, for the Use of such County.

III. And be it enacted, That the personal Representatives of such High Constable or Collector, duly paying such Sum or Sums of Money as have been collected into the County Bank on or before the first Day of the next Assizes, and on his or their producing to the Grand Jury the Treasurer's Certificate of such Sum or Sums of Money having been so paid, it shall be lawful for the Grand Jury to present, without any previous Application to Presentment Sessions, a Sum not exceeding the Sum allowed by Law as Poundage on the Amount so paid into the County Bank, to be paid to the personal Representatives of such High Constable or Collector.

When Monies collected have been duly paid over by personal Representative, Grand Jury may allow Poundage on the Amount to such personal Representative.

IV. ' And whereas in certain Baronies and Portions [of Baronies in some Counties of *Ireland* there is now considerable Difficulty in the Collection of the Public Money, and the said Sum of Nine-pence in the Pound has been found in certain Cases not to be sufficient Remuneration to the High Constable or Collector for his Trouble in collecting the same, and it is expedient, for a limited Time, to enable the Grand Jury, in Cases where such Difficulties occur, to present a larger Rate or Sum than Nine-pence in the Pound as Remuneration to such High Constable or Collector for such additional Trouble as aforesaid; be it therefore enacted, That it shall and may be lawful for the Grand Jury at any Assizes held after the passing of this Act, and before the End of the Year One thousand eight hundred and forty-nine, if they shall think fit, in Cases where such Difficulties shall occur in the Collection of the said Monies as aforesaid, to present, without previous Application to Presentment Sessions, a Sum not exceeding One Shilling in the Pound on the Amount of the Collection of such Monies from such Barony or Baronies where such Difficulties shall occur, to be paid to any such High Constable or Collector for his Trouble in collecting the same.

Grand Jury may present increased Poundage where Difficulties occur in the Collection.

V. And be it enacted, That any Bond and Warrant of Attorney to confess Judgment of any High Constable or Collector, executed or purporting to be executed pursuant to the said recited Act or this Act, and any Judgment entered up on the same, shall be good and valid to all Intents and Purposes, as well against the said High Constable or Collector as his Sureties, whether the said Bond and Warrant shall have been given at the Assizes before the Grand Jury by whom such High Constable or Collector shall have been appointed, or before the Justices of the Peace at any General Quarter Sessions of the Peace, or any Adjournment thereof, or such Special Sessions as aforesaid, and whether such High Constable or Collector shall have been appointed by the Grand Jury at any Assizes, or at any Quarter Sessions, or Adjournment thereof, and shall have subsequently qualified and given such Security at a subsequent Quarter Sessions, or Adjournment thereof, or at such Special Sessions as aforesaid.

Bonds &c. deemed good against Sureties as well as against High Constables or Collectors.

6 & 7 W. 4.
c. 116.

1 & 2 Vict. c. 56.

6 & 7 Vict. c. 92.

VI. ‘ And whereas by the said recited Act of the Sixth and Seventh Years of His said late Majesty it is amongst other things enacted, that it shall be lawful for every Person duly authorized to collect and levy any Grand Jury Cess off any Barony, County of a City, or County of a Town, in default of Payment of any such Grand Jury Cess by the Party chargeable therewith within the Time therein specified, to prefer a Complaint to any Justice of the Peace of the County in which such Party may reside; and such Justice is empowered to summon such Party, and to direct Payment of such Money to such Collector, or to issue his Warrant for the Levy thereof by Distress and Sale of the Goods and Chattels of the Party complained against, as in the said recited Act more particularly mentioned: And whereas by an Act of the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the more effectual Relief of the Destitute Poor in Ireland*, it is amongst other things enacted, that every Rate made under the Authority of the said Act now in recital on each Electoral Division shall and may be collected and levied, sued for and recovered, by such and the same Ways and Means as the Grand Jury Cess, or the Money applotted on the several Persons liable to pay the same, may be collected and levied: And whereas by an Act of the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for the further Amendment of an Act for the more effectual Relief of the Destitute Poor in Ireland*, it is amongst other things enacted, that any Rate or Rates made as therein mentioned on any Lessor in respect of any Property, whether occupied by One or more Occupiers, should be recovered by the Ways and Means therein mentioned, and, amongst others, that it should be lawful for the Collector to prefer a Complaint to any Justice of the Peace of the County in which such Lessor may reside; and such Justice is empowered to summon such Lessor so complained against to appear before him in Petty Sessions, and is also empowered to direct Payment of such Money to such Collector, and in default of Payment that it should be lawful for such Justice, or any Justice of the Peace for such County, to issue his Warrant for the Levy thereof by Distress and Sale of the Goods of such Lessor, as in the said Act more particularly mentioned; and it is by the said last-recited Act also enacted, that every Rate made under the Authority of the said Act now in recital, or the therein first-recited Act, on any Electoral Division in the County or the County of the City of *Dublin*, and any Money authorized and directed to be levied under any Warrant for the levying of Poor Rate in the said County or the County of the City of *Dublin*, shall and may be collected and levied, sued for and recovered, by such and the same Ways and Means, and with the like Remedies and Powers in case of Nonpayment, as the Grand Jury Cess, or the Money applotted on the several Persons liable to pay the same, may be collected in any other County in *Ireland*: And whereas Doubts exist whether the
‘ Divisional

‘ Divisional Justices of the Police District of *Dublin* Metropolis
‘ can be deemed to be Justices of the Peace of the County of
‘ the City of *Dublin* or for the County of *Dublin* within the said
‘ Police District so as to have or exercise Jurisdiction for the
‘ hearing of Complaints as to Nonpayment of Poor Rates or for
‘ the Recovery of Poor Rates within the said Police District,
‘ within the Meaning of such said recited Provisions; and
‘ Doubts also exist whether the several Police Offices at which
‘ such Divisional Justices preside and officiate within the said
‘ Police District can be deemed to be Petty Sessions within the
‘ Meaning of the said last-recited Act or of the several Acts
‘ authorizing or directing any Proceedings to be taken by or
‘ before a Justice or Justices of the Peace at Petty Sessions,
‘ or before Justices of the Peace of a County, County of a City,
‘ County of a Town or Place, or before Two or more Justices
‘ when met or assembled;’ for the Removal of such Doubts be
it therefore enacted, That the several Divisional Justices of the
Police District of *Dublin* Metropolis shall for the Purposes of
the said Acts of the First and Second Years of Her Majesty’s
Reign and of the Sixth and Seventh Years of Her Majesty’s
Reign, and of all and every other Act or Acts heretofore made
or hereafter to be made with respect to the raising, levying, or
enforcing Payment of any Rate for the Relief of the Destitute
Poor in *Ireland*, have and exercise the same Powers, Authorities,
and Jurisdiction within the Police District of *Dublin* Metropolis
as any Justice or Justices of the Peace of any County has or
have or can have or exercise within his or their respective County
in respect to any Rates made or to be made for Relief of the
Destitute Poor in *Ireland*; and that wherever, in any Act now
in force or which shall hereafter be in force in *Ireland*, any Pro-
ceeding, Matter, or Thing is or shall be authorized or directed to
be taken, entertained, inquired into, or done by a Justice or
Justices of the Peace at Petty Sessions, or by Justices of the
Peace of any County, County of a City, County of a Town or
Place, or by Justices of the Peace, or any Two or more of them
met and assembled, the said Divisional Justices of the Police
District of *Dublin* Metropolis, or any One or more of them, shall
have and shall and may exercise all such Powers and Authorities
and Jurisdictions at the several Divisional Police Offices within
such Police District of *Dublin* Metropolis at which such Divi-
sional Justices or Justice shall at the Time be respectively
presiding or officiating as any Justice or Justices at Petty
Sessions, or any Justice or Justices as aforesaid, are or shall
be authorized or directed to have or exercise within their
respective Jurisdictions.

The Divisional
Justices of
Dublin to have
like Jurisdiction
relating to Re-
covery of Poor
Rates as other
Justices of the
County.

Such Justices
to have Power
to act at their
respective
Offices in all
Cases as Justices
at Petty Ses-
sions.

VII. And be it enacted, That from and after the passing of
this Act it shall and may be lawful for the several Collectors
of Grand Jury Cess in the County of the City of *Dublin* to
collect, levy, sue for, and recover the Grand Jury Cess of such
County of the City of *Dublin*, or any Part of the same, from
all and every Persons and Person who now are or is or here-
after shall be liable to pay the same, by all the Ways and

Powers for the
Recovery of
Grand Jury
Cess in Dublin.

Means, and with the like Remedies and Powers in case of Non-payment, as the Grand Jury Cess, or the Money apportioned on the several Persons liable to pay the same, may be collected and levied in any other County in *Ireland*.

Divisional Justices in Dublin to have same Powers to collect Grand Jury Cess as other Justices in Ireland.

VIII. And be it enacted, That the Divisional Justices of the Police District of *Dublin* Metropolis shall, for the Purposes of all and every Act or Acts heretofore made or hereafter to be made with respect to the raising, levying, or enforcing Payment of Grand Jury Cess in the County of the City of *Dublin*, have and exercise the same Powers, Authorities, and Jurisdiction within the Police District of *Dublin* Metropolis as any Justice or Justices of the Peace of any County in *Ireland* has or have or can or shall lawfully have or exercise within his respective County with respect to any Grand Jury Cess to be raised within the same.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XXVII.

An Act to authorize the Inclosure of certain Lands, in pursuance of the Third and also of a Special Report of the Inclosure Commissioners for *England* and *Wales*. [22d July 1848.]

8 & 9 Vict.
c. 118.

‘ WHEREAS the Inclosure Commissioners for *England* and
 ‘ *Wales* have, in pursuance of an Act passed in the Ninth
 ‘ Year of the Reign of Her present Majesty, intituled *An Act*
 ‘ *to facilitate the Inclosure and Improvement of Commons and*
 ‘ *Lands held in common, the Exchange of Lands, and the Divi-*
 ‘ *sion of intermixed Lands; to provide Remedies for defective*
 ‘ *or incomplete Executions, and for the Nonexecution of the*
 ‘ *Powers of general and local Inclosure Acts; and to provide*
 ‘ *for the Revival of such Powers in certain Cases*, issued provi-
 ‘ sional Orders for and concerning the several proposed Inclo-
 ‘ sures mentioned in the First Schedule to this Act, and have
 ‘ in the Annual General Report of their Proceedings certified
 ‘ their Opinion that such Inclosures would be expedient; but
 ‘ the same cannot be proceeded with without the Authority of
 ‘ Parliament: And whereas, before the Date of the said
 ‘ Annual General Report, the said Inclosure Commissioners
 ‘ issued their provisional Order for and concerning the pro-
 ‘ posed Inclosure mentioned in the Second Schedule to this
 ‘ Act, and the requisite Consents thereto had been given, but
 ‘ the said Commissioners had not received Information of such
 ‘ Consents having been so given at the Time of making their
 ‘ said Report: And whereas the said Commissioners have, by
 ‘ a Special Report, certified their Opinion that such last-
 ‘ mentioned proposed Inclosure would be expedient, but the
 ‘ same cannot be proceeded with without such Authority:’
 Be it enacted by the Queen’s most Excellent Majesty, by
 and with the Advice and Consent of the Lords Spiritual and
 Temporal,

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several proposed Inclosures mentioned in the Schedules to this Act be proceeded with; and as respects the proposed Inclosure mentioned in the Second Schedule to this Act, in the same Manner as if the Expediency of such Inclosure had been certified by the Commissioners in their said Annual General Report. Inclosures mentioned in Schedules may be proceeded with.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Annual Inclosure Act, 1848." Short Title.

SCHEDULES to which this Act refers.

FIRST SCHEDULE.

Inclosure.	County.	Date of Provisional Order.
1846 :		
Corringham and Springthorpe -	Lincoln -	9th January.
Oreton Common -	Salop -	26th January.
Tansley Common -	Derby -	26th January.
Caldecot Open Fields -	Cambridge -	24th March.
Church Stoke and Hurdley -	Montgomery -	2d November.
1847 :		
Hyssington -	Montgomery and Salop -	8th January.
Asby Mask -	Westmorland -	8th January.
Dulverton -	Somerset -	20th January.
Burghfield -	Berks -	23d January.
Barrow -	Suffolk -	11th February.
Woolpit -	Suffolk -	7th May.
Hessett -	Suffolk -	18th May.
Egton -	York -	16th June.
Smardale Fell -	Westmorland -	16th June.
Antrobus -	Chester -	24th July.
Ilton Moor -	Devon -	24th July.
Chinnor -	Oxford -	24th July.
Mottram St. Andrew -	Chester -	4th August.
Burstow -	Surrey -	23d August.
Cookbury Moor -	Devon -	21st September.
Ison Common -	Somerset -	21st September.
Winsford -	Somerset -	21st September.
Thornton Moor -	York -	21st September.
Stoke Pero -	Somerset -	21st September.
Warborough -	Oxford -	11th October.
Upwood and Ramsay -	Huntingdon -	11th October.
St. Stephen's Down -	Cornwall -	17th November.
Benwick -	Cambridge -	10th December.
Lyminge -	Kent -	17th December.
Mid Lavant -	Sussex -	17th December.
Boxgrove -	Sussex -	17th December.
East Lavant -	Sussex -	17th December.

Inclosure.	County.	Date of Provisional Order.
		1848 :
East Green - - -	Suffolk - - -	8th January.
Galsworthy Moor - -	Devon - - -	8th January.
Monksoham - - -	Suffolk - - -	8th January.
Ellisfield Common - -	Southampton - -	8th January.
Kingsley - - -	Stafford - - -	11th January.
Great Missenden - -	Buckingham - - -	11th January.
Bagley Wood - - -	Berks - - -	21st January.
The Grange Common - -	Carmarthen - - -	21st January.
Shellwood Manor Waste -	Surrey - - -	24th January.
Hesketh Marsh - - -	Lancaster - - -	29th January.

SECOND SCHEDULE.

Inclosure.	County.	Date of Provisional Order.
		1848 :
Moorhouse - - -	Nottingham - - -	24th January.

CAP. XXVIII.

An Act to amend the Law of Imprisonment for Debt in *Ireland*, and to improve the Remedies for the Recovery of Debts and of the Possession of Tenements situate in Cities and Towns, in certain Cases.

[22d July 1848.]

After Com-
mencement of
this Act, no
Writ or Process
for Arrest shall
issue from cer-
tain Courts in
Ireland for
Debts or Sums
not exceeding
10*l.*, save as
herein excepted.

‘ WHEREAS it is expedient to limit the present Power of
‘ Arrest for Debts, Damages, Demands, or Costs under
‘ Process issuing from Courts of Law or Equity or Inferior
‘ Courts in *Ireland* :’ Be it therefore enacted by the Queen’s
most Excellent Majesty, by and with the Advice and Consent
of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the
same, That from and after the Day of the Commencement of
this Act no Writ of Capias ad satisfaciendum, or other Writ,
Process, or Warrant to arrest the Body of any Defendant in
any Action or Suit, (Actions for malicious Prosecution, or for
Deceit, Libel, Slander, Criminal Conversation, Seduction, or
Breach of Promise of Marriage, only excepted,) shall be issued
in *Ireland*, founded on a Judgment, Decree, or Order of any of
the Superior Courts of Law or of any Inferior Courts in *Ireland*,
when the Sum due or to be paid by or under such Judgment,
Decree, or Order, exclusive of the Costs, if any, thereby re-
covered or ordered to be paid, shall not exceed the Sum of Ten
Pounds ;

Pounds; nor shall any Writ, Process, or Warrant to arrest the Body of any Plaintiff, Defendant, or other Person in any Action or Suit be issued, founded on any Judgment, Decree, or Order for the Recovery of Costs only, when such Costs due or to be paid shall not exceed the Sum of Ten Pounds; nor shall any Writ, Process, or Warrant issue to arrest the Body of any Plaintiff, Defendant, or other Person founded on any Decree or Order of any Court of Equity, Ecclesiastical Court, or Court of Admiralty in *Ireland*, for the Payment of Money, whether consisting wholly or partly of Costs or otherwise, when the Sum due or to be paid shall not exceed the said Sum of Ten Pounds.

II. And be it enacted, That in case any such Writ, Process, or Warrant to arrest the Person (save in any of the Cases herein-before excepted) shall have issued before the said Day of the Commencement of this Act, founded on any such Judgment, Decree, or Order as aforesaid, when the Sum thereby due or to be recovered and paid shall not exceed the respective Sums specified in the several Cases herein-before mentioned and such Writ, Process, or Warrant shall not have been executed before the said Day of the Commencement of this Act, such Writ, Process, or Warrant shall not, on or after the said last-mentioned Day, be executed against the Person of the Party against whom the same shall have issued.

Such Writs, &c. for Sums not exceeding 10*l.* issued before Commencement of Act, but not executed, shall not be executed against the Person, save as herein excepted.

III. And be it enacted, That in any Case in which any Person shall, on or before the said Day of the Commencement of this Act, be in Execution or in Custody under and by virtue of any such Writ, Process, or Warrant to arrest the Person, founded on any such Judgment, Decree, or Order of any of such Courts as aforesaid, (save in any of the Cases herein-before excepted,) when the Sum thereby ordered to be paid, and for which such Person shall be held in Custody, shall not exceed the respective Sums specified in the several Cases herein-before mentioned, it shall be lawful for the Sheriff, Gaoler, or Officer of any of such Courts as aforesaid in whose Custody such Person shall be detained, and he is hereby required, on the Application of such Person, to discharge him or her forthwith out of Custody, as to such Execution, Writ, Decree, or Order respectively, without Prejudice nevertheless to any other Right to detain such Person in Custody for any Cause for which he may lawfully be so detained: Provided also, that for and notwithstanding the Discharge of any Debtor or Party in manner aforesaid the Judgment, Decree, or Order whereupon any such Debtor or Party was taken or charged in Execution or arrested shall nevertheless remain and continue in force to the Intent and Purpose that the Judgment Creditor or Person obtaining such Decree or Order may have and take Remedy and Execution upon every such Judgment, Decree, or Order against the Property and Effects of any such Debtor or Party in such Manner and Form as such Creditor or Person obtaining such Decree or Order otherwise could or might have done in case such Debtor or Party had never been taken or charged

Persons in Custody on or after the Commencement of the Act under any such Writs, &c. for Sums not exceeding 10*l.*, shall be discharged on Application to Sheriff, &c.

Judgment, &c. to remain in force notwithstanding the Discharge of the Debtor.

charged in Execution or arrested upon such Judgment, Decree, or Order, and it shall be lawful for such Creditor or Person obtaining such Decree or Order to have and take such Remedy and Execution: Provided also, that in any of the Cases hereinbefore mentioned, whenever by the Law, Usage, or Practice of any Court in *Ireland* before the passing of this Act Process against the Person of any Debtor for any such Sum not exceeding Ten Pounds as aforesaid is now the only Process issued from such Court for the Recovery of any such Debt or Sum, it shall be lawful for such Court after the passing of this Act, instead of such Process against the Person, to issue a Process in the Nature of an Execution, Writ, Process, or Warrant against the Goods and Chattels of the Defendant or Debtor, and for the Seizure and Sale of the same in like Manner as such Process against the Person has heretofore been issued in such Cases.

When a Defendant, &c. is exempted from Arrest or discharged from Custody by virtue of this Act, the Plaintiff may serve a Civil Bill Process, requiring the Defendant to show Cause why Process of Arrest or Committal should not issue.

Civil Bill Process to be according to Form (A.) in Schedule.

If Assistant Barrister shall find that Defendant has

IV. And be it enacted, That in all Cases in which any Judgment, Decree, or Order as aforesaid for any such Sum, not exceeding such respective Sums specified in the several Cases as aforesaid, shall have been or shall be had, under and by virtue of which the Defendant or Party against whom such Judgment, Decree, or Order shall have been or shall be had might if this Act had not been passed be charged in execution or arrested, or whenever any Defendant or Party shall have been or shall be discharged from Custody as to any such Execution, Decree, or Order under and by virtue of this Act, and the Plaintiff or Person having obtained such Execution, Decree, or Order shall not have recovered his Demand out of the Goods and Chattels of such Defendant or Party, it shall be lawful for the Plaintiff or Person having obtained such Judgment, Decree, or Order to cause a Civil Bill Process to be issued against the Defendant in such Judgment or the Party against whom such Decree or Order shall have been obtained, thereby requiring him personally to appear before the Assistant Barrister for the County or Riding at the General or Quarter Sessions for the Division or Place in which such Defendant or Party shall reside, and to show Cause why Execution or Process of Arrest or a Committal should not issue against his Person in respect of such Judgment, Decree, or Order, as the Case may be; and such Civil Bill Process shall be according to the Form (A.) in the Schedule to this Act annexed, or as near thereto as the Nature of the Case will admit; and the respective Assistant Barristers within their respective Jurisdictions shall have Power to hear and determine any such Civil Bill; and the Service and the several Proceedings of, in, or relating to such Civil Bill, and the Costs of or relating to the same, shall be subject to like Provisions and Regulations, so far as the same are applicable, as any Civil Bill in Cases of Debt or Assumpsit, save as herein otherwise provided.

V. And be it enacted, That at the hearing of such Civil Bill it shall be lawful for the Assistant Barrister to cause the Plaintiff and the Defendant, or either of them, in such Civil Bill, (if they

they or either of them shall appear on such hearing,) to be examined on Oath, and upon such Examination, and upon such other Evidence as shall be offered, to investigate the Amount of the Debts or Demands due or owing by or claimable against the Defendant, and the Nature and Amount and Circumstances of any Property of whatsoever kind he or any one in trust for him is, was, or may be possessed of or entitled to, and the Manner and Circumstances under which the Debt due to the Plaintiff or other Liability was incurred, and the Means and Expectation of Payment thereof; and if it shall appear that the Defendant or any one in trust for him is possessed of or entitled to Property of any kind which, regard being had to the Nature, Amount, and Circumstances of such Property, and to the several Debts and Demands due by and claimable against the Defendant, and to the Security of his several Creditors, ought, in the Opinion of the Assistant Barrister, to be administered under the Provisions of the Acts relating to Insolvent Debtors in *Ireland*, or that the Defendant is of sufficient Ability to discharge the Plaintiff's Debt or Demand, then and in such Case it shall be lawful for the Assistant Barrister to issue a Decree, in like Manner as in other Cases of Civil Bill, to take in Execution the Body of the Defendant to satisfy the Plaintiff's Demand and Costs, or to issue such Decree with Stay of Execution for a Period thereby limited, which Decree may be according to the Form (B.) in the Schedule to this Act annexed, or as the Circumstances of the Case may require; and under any such Decree the said Defendant may be arrested and detained in Custody accordingly, as in other Cases of Execution against the Body under a Civil Bill Decree before the passing of this Act, any thing herein to the contrary notwithstanding; but if at such hearing it shall appear to such Assistant Barrister that there is not Property of the Defendant which ought in the Opinion of such Barrister to be administered under the said Acts relating to Insolvent Debtors, or that the Defendant is not of sufficient Ability to discharge the Plaintiff's Debt or Demand, but that such Defendant, in incurring the Debt due to the Plaintiff or other Liability, has obtained Credit from the Plaintiff under false Pretences, or by means of Fraud or Breach of Trust, or has wilfully contracted such Debt or Liability without having had at the same Time a reasonable Expectation of being able to pay or discharge the same, or shall have made or caused to be made any Gift, Delivery, or Transfer of any Property, or shall have charged, removed, or concealed the same, with Intent to defraud his Creditors or any of them, it shall be lawful for the Assistant Barrister, if he shall think fit, by a Decree or Order according to the Form (B.) in the Schedule to this Act annexed, or as the Circumstances of the Case may require, to order that any such Defendant may be committed to the Common Gaol or House of Correction of the County, District, or Place in which the Defendant is resident, for any Period not exceeding Three Calendar Months, unless the Demand of the Plaintiff be sooner paid, without Prejudice to any Remedies for the Recovery of the Plaintiff's

Property fit to be administered under the Insolvent Act, he may direct Process of Arrest to issue, or if Debt contracted fraudulently may commit him.

In default of Defendant's Appearance, Decree may be made.

Power to examine or commit at the original Hearing of a Civil Bill in certain Cases.

Upon Affidavit that a Defendant is about to quit Ireland, he may by a Special Order be taken in Execution.

tiff's Demand out of the Property or Effects of the Defendant: Provided always, that it shall not be necessary for the Plaintiff to appear in Person at the hearing of such Civil Bill: Provided also, that there shall be no Appeal from any such Decision of the Assistant Barrister; and in case of a Dismiss the Costs thereof shall be paid by the Plaintiff or set off against his Demand, as the Assistant Barrister shall direct: Provided also, that if the Defendant in such Civil Bill shall not personally appear as thereby required at such Hearing it shall be lawful for such Assistant Barrister to proceed to the hearing of such Case in his Absence, and to make such Decree or Order as might be made on his Appearance, or as the Assistant Barrister shall think fit.

VI. And be it enacted, That in any Action brought in any Civil Bill Court in any Case where the Power of Arrest would otherwise be taken away under this Act, the Assistant Barrister at the original Hearing of the Cause, if he shall see Reason to make a Decree against the Defendant, shall have the same Power and Authority of examining the Defendant and the Plaintiff, or either of them, or other Persons, touching the several Matters in the last preceding Provision mentioned, and of granting a Decree against the Person of the Defendant, or of committing him to Prison, as he might have and exercise under the said last preceding Provision in case the Plaintiff had (after a Decree obtained) proceeded specially by a Civil Bill for such Purpose, as in the said last preceding Provision mentioned, any thing herein-before contained to the contrary thereof notwithstanding: Provided always, that in any such Case the Plaintiff shall cause a written or printed Notice to be annexed to or endorsed on the Civil Bill Process, stating that such Plaintiff will proceed in such Civil Bill under the Powers and Provisions of this Act, inserting the Title thereof.

VII. Provided always, and be it enacted, That in any Action in any Court for any Sum not exceeding such respective Sums specified in such several Cases as aforesaid, or in any Case in which a Judgment, Decree, or Order for any such Sum or Sums shall have been or shall be had or obtained, where the Defendant or Party against whom such Action shall be brought, or such Judgment, Decree, or Order shall have been or shall be had or obtained, might, if this Act had not been passed, be or have been charged in Execution or arrested, if the Plaintiff or Person bringing such Action, or obtaining such Judgment, Decree, or Order, shall, by the Affidavit of himself or of some other Person, or other Proof, show, to the Satisfaction of the Court in which such Action shall be brought, or such Judgment, Decree, or Order shall have been had or obtained, that there is probable Cause for believing that the Defendant or any one of the Defendants, or the Person or Persons against whom any such Action shall be brought, or such Judgment, Decree, or Order shall have been obtained, is or are about to quit *Ireland* unless he or they be forthwith arrested or charged in Execution, it shall and may be lawful for any such Court, upon the hearing of the Case, in the first instance

instance to grant an Execution, Order, or Civil Bill Decree, as the Case may be, against the Person of the Defendant, or (in the Case of an Execution, Decree, or Order having been theretofore had or obtained) by a Special Order to direct that such Defendant or Person so about to quit *Ireland* shall be arrested or charged in Execution under such Judgment, Decree, or Order as aforesaid; and thereupon it shall be lawful for the Plaintiff or Party obtaining such Judgment, Decree, or Order to arrest or charge in Execution the said Defendant or Person against whom such Judgment, Decree, or Order shall have been obtained, in like Manner as such Defendant or Person might have been arrested or charged in Execution if this Act had not been passed: Provided always, that in the Case of any such Special Order for Arrest in Execution as last aforesaid obtained in respect of a Judgment, Decree, or Order theretofore obtained, it shall be lawful for the Person so arrested or charged in Execution to apply, at any Time after such Arrest, to the Court in which such Judgment, Decree, or Order shall have been obtained, for a Rule or Order on the Plaintiff or Person obtaining such Judgment, Decree, or Order, to show Cause why the Party arrested under such Special Order as aforesaid should not be discharged out of Custody, and it shall be lawful for such Court thereupon, and upon Consideration of any further Affidavits to be produced by or on behalf of either of the Parties, or upon Examination of the Parties or either of them, or of Witnesses, to make such other Order thereon as to such Court shall seem fit, or to direct the Costs of the Application to be paid by either Party, not exceeding in any Civil Bill Court the Costs of a Decree; but if thereupon the Party arrested shall be discharged, such Discharge shall be without Prejudice to any Remedies for the Recovery of the Plaintiff's or Party's Demand out of the Property or Effects of the Defendant or Person so discharged, and the Execution, Writ, Decree, or Process against the Person may be changed to an Execution, Writ, Decree, or Process against such Property or Effects.

VIII. Provided always, and be it enacted, That nothing in the preceding Enactments contained shall extend or apply to or affect or prejudice any Informations or other Proceedings under or by virtue of any of the Statutes relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office.

IX. ' And whereas it is expedient to protect the Tools and ' actual Necessaries of or belonging to Judgment Debtors from ' being seized in Execution;' be it enacted, That from and after the passing of this Act the Wearing Apparel and Bedding of any Debtor in *Ireland* under a Judgment, Decree, or Order, or of his Family, and the Tools and Implements of his Trade, the Value of such Apparel, Bedding, Tools, and Implements not exceeding in the whole the Value of Five Pounds, shall not be liable to Seizure under any Execution, Decree, or Order of any Court against his Goods and Chattels.

X. And be it enacted, That for the Purposes of this Act as aforesaid it shall and may be lawful to and for the Clerks of the Peace

Nothing herein to extend to Proceedings relating to Revenue of Excise, &c.

Tools and actual Necessaries of Judgment Debtors not to be seized in Execution.

Power to Clerk of the Peace to issue Sum-

monses to Wit-
nesses.

Peace of or acting for the several Counties, Cities, and Counties of Cities and Towns in *Ireland*, upon the Request of any Person a Party to any Proceedings under this Act as aforesaid, to issue a Summons in the Nature of a Subpoena ad testificandum or Duces tecum directed to any Person residing in *Ireland*, requiring him personally to appear and give Evidence before the Assistant Barrister by whom the Matter in dispute is to be heard and determined; and in case any Person or Persons so served with any such Summons shall not attend pursuant thereto, it shall and may be lawful for the said Assistant Barrister, upon Proof that proper Service thereof had been duly made Six Days before the Day of Appearance named therein, and that the reasonable and suitable Expenses of such Person or Persons had been paid or tendered to him or them at the Time of such Service, to award such Penalty against any such Person who shall not attend, not exceeding Five Pounds, as he the said Assistant Barrister shall deem fit and proper, he the said Assistant Barrister causing to be filed of Record in his Court an Affidavit of the Time, Place, and Manner of the Service of such Summons, and of the Tender of such Expenses, to be made by the Person proving the same; which said Penalty shall be paid or payable to the Party or Parties at whose Instance and Request the said Summons shall or may have been issued; and which said Penalty, together with such Expenses as may have been paid to such defaulting Witness, shall be recoverable in the Civil Bill Court of the County or Place where such Penalty was awarded, or where such defaulting Witness resides: Provided always, that the Certificate of the Clerk of the Peace of such County, County of a City or Town, duly signed by him, of such Penalty having been awarded, shall be deemed and taken as *prima facie* Evidence thereof: Provided also, that it shall and may be lawful for the Assistant Barrister to tax and award against the unsuccessful Party in any Proceeding under this Act as aforesaid such Sum or Sums of Money as and for the Expenses of Witnesses as he may deem reasonable and proper, not exceeding Five Pounds in the Case of any One Witness; and the Costs so awarded as last aforesaid when payable by a Defendant shall be recoverable in like Manner as and with and in addition to the Sum ordered to be paid by him in such Decree or Order, and when payable by a Plaintiff shall be recoverable in like Manner as herein-before provided as to the Costs of a Dismiss.

Affidavits as to
Civil Bill Pro-
ceedings may
be taken by
Assistant Bar-
risters out of
their Counties.

XI. And be it enacted, That it shall and may be lawful for every Assistant Barrister in *Ireland*, although he shall not be at the Time within the County of which he shall be such Assistant Barrister, to take any Affidavit or Affidavits relating to or concerning any Action or other Matter or Proceeding in his Court of Civil Bill Jurisdiction under this Act, or any other Act or Acts in relation to the Assistant Barristers Courts in *Ireland*, and to administer the necessary Oath or Oaths for that Purpose; and every such Affidavit shall be of the same Force and Effect, and the Penalty for any false Swearing therein shall

shall be the same to all Intents and Purposes, and the same Fees shall be payable thereon, as if such Affidavit was taken by or before such Assistant Barrister in the Civil Bill Court within his County: Provided always, that every such Affidavit shall, within Six Days after the Day on which such Affidavit shall be made, be delivered to the Clerk of the Peace of such County, or at the Office of such Clerk of the Peace within such County, to be filed amongst the Records of such Court, otherwise such Affidavit to be null and void.

XII. And be it enacted, That in every Proceeding before any Assistant Barrister in any Civil Bill Court in *Ireland* an Office Copy of any original Will or other Testamentary Document lodged in any Ecclesiastical Court in *Ireland*, or in the Registry thereof, and which shall appear by such Copy to have been duly proved, and Probate or Letters of Administration thereof granted, shall, upon due Proof of the Signature of the proper Officer of such Ecclesiastical Court certifying the same to be a true Copy of such original Will or other Testamentary Document, be admitted as *prima facie* Evidence of the Contents of such original Will or Testamentary Document of which it purports to be an Office Copy, without the Production of the original Will or Testamentary Document; and the proper Officer of any such Ecclesiastical Court is hereby required to make a Memorandum in Writing upon such Office Copy of the Time at which and the Person or Persons to whom such Probate or Letters of Administration shall have been granted: Provided always, that the Party producing such Office Copy shall give Notice thereof to the adverse Party in Writing Six Days before producing the same.

Office Copies of Wills to be Evidence of the Contents thereof in Civil Bill Courts.

XIII. And be it enacted, That in every Proceeding before the Court of the Assistant Barrister an Office Copy of any Judgment, Decree, or Order, made by or before any Court of Law or Equity in *Ireland*, certified to be a true Copy by the proper Officer of such Court of Law or Equity, as the Case may be, shall, upon Proof of such Officer's Handwriting, be deemed and taken as *prima facie* Evidence of such Judgment, Decree, or Order of such Courts respectively.

Official Copy of Judgment to be Evidence.

XIV. And be it enacted, That in any Action in any Civil Bill Court in *Ireland* the Service of any Civil Bill Process on the Defendant, or the Wife, Child, or Servant of the Defendant, at his Shop, Office, Warehouse, or Place of Business, shall be as valid and effectual to all Intents and Purposes as the Service of such Process would have been at the Residence of the Defendant: Provided always, that no Process in any Civil Bill Action shall be served on *Good Friday* or *Christmas Day*.

Service of Process in Civil Bills.

XV. ' And whereas Doubts have arisen whether, under the Provisions of an Act of the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for the further Amendment of the Law and the better Advancement of Justice in Ireland*, the

Affidavits, when required to be made in Great Britain, may be made before Extraordinary Commissioners of the Court of Chancery in Ireland.

‘ Affidavits mentioned in the Eighth Section of the said Act as
 ‘ numbered in the printed Copies of the said Act printed by the
 ‘ Queen’s Printers can be lawfully made before the Extraordi-
 ‘ nary Commissioners of the Court of Chancery in *Ireland* for
 ‘ taking Affidavits in *Great Britain*: And whereas it is expe-
 ‘ dient that such Doubt should be removed, and that the said
 ‘ Extraordinary Commissioners should have the Power to take
 ‘ such Affidavits;’ be it therefore enacted, That any such Affi-
 davits when required to be made in *Great Britain* may lawfully
 be made before One of the said Extraordinary Commissioners
 of the Court of Chancery in *Ireland* appointed for taking Affi-
 davits in *Great Britain*, in the same Manner as such Affidavits
 are now made and sworn before the Masters in Ordinary and
 Masters Extraordinary of the said Court in *Ireland*, and shall
 be of like Validity.

Possession of
 small Tene-
 ments may be
 recovered by
 Summons be-
 fore Justices
 of the Peace.

XVL ‘ And whereas certain Tenements and Parts of Tene-
 ‘ ments are frequently held in Cities and other Towns in *Ireland*
 ‘ at small Rents, payable monthly and weekly, or for other
 ‘ short Periods of Time, and it is but just and reasonable that
 ‘ where the Power to enforce the Payment of such Rents by
 ‘ Arrest of the Person is taken away greater Facility should be
 ‘ given for the Recovery of the Possession of such Premises;’
 be it therefore enacted, That from and after the Commence-
 ment of this Act, when and so soon as the Term or Interest of
 the Tenant of any House, or any Part of a House, situate in
 any County of a City or County of a Town, or Borough,
 or Market Town, in *Ireland*, held by him for any Term not
 exceeding One Calendar Month at a Rent not exceeding the
 Rate of One Pound Sterling by the Month, shall have ended,
 or shall have been duly determined by a legal Notice to quit,
 and such Tenant, or (if such Tenant do not actually occupy the
 Premises, or only a Part thereof,) any Person by whom the
 same or any Part thereof shall be then actually occupied, shall
 neglect or refuse to quit and deliver up Possession of the Pre-
 mises or such Part thereof respectively, it shall be lawful for
 the Landlord of the said Premises, or his known Agent or
 Receiver of his Rents, to cause the Person or Persons so
 neglecting or refusing to quit and deliver up Possession to be
 served with a Summons in Writing, to be signed by a Justice
 of the Peace of or having Jurisdiction in the County of the
 City or County of the Town, or Borough, or Market Town, (as
 the Case may be,) in which the said Premises shall be situate,
 to appear before any Two or more Justices at any Court of
 Petty Sessions, Town Hall, Divisional Justice Room, or other
 Room or Office in which such Justices usually meet for the
 Despatch of public Business of such County of a City, County
 of a Town, or Borough, or Market Town, to show Cause why
 Possession of the said Premises should not be delivered up to
 such Landlord or his said Agent or Receiver as aforesaid; and
 if the Tenant or Occupier shall not appear at the Time and
 Place appointed, or if such Tenant or Occupier shall appear,
 and shall not show to the Satisfaction of such Justices reason-
 able Cause why Possession should not be given, and shall still
 neglect

neglect or refuse to deliver up the Possession of the said Premises, or such Part thereof as he was in possession of at the Time of the Service of such Summons, to the said Landlord or his said Agent or Receiver, it shall be lawful for the said Landlord or his Agent or Receiver to give to such Justices Proof of the Holding and of the End or Determination of the Tenancy, with the Time and Manner thereof, and where the Title of the Landlord hath accrued since the letting of the Premises, the Right by which he claims the Possession, and thereupon it shall be lawful for such Justice of the Peace of or having Jurisdiction in the County of the City, County of the Town, or Borough, or Market Town, as the Case may be, in which the said Premises are situate, or any Two of them, to issue a Warrant under their Hands and Seals to any Constable of or acting in the District within which such Premises shall be situate, requiring and authorizing him, within a Period to be therein named, not less than Seven or more than Ten clear Days from the Date of such Warrant, to give Possession of the Premises to such Landlord or Agent; and such Warrant shall be a sufficient Warrant to the said Constable or Bailiff to enter upon the Premises, with such Assistants as he shall deem necessary, and to give Possession accordingly: Provided always, that Entry upon any such Warrant shall not be made on a *Sunday*, *Good Friday*, or *Christmas Day*, or at any Time except between the Hours of Nine in the Morning and Four in the Afternoon: Provided also, that nothing herein contained shall be deemed to protect any Person by whom any such Warrant shall be sued out as aforesaid from any Action which may be brought against him by any such Tenant or Occupier for or in respect of such Entry and taking possession, where such Person had not, at the Time of suing out the same as aforesaid, lawful Right to the Possession of the said Premises.

XVII. And be it enacted, That such Summons as last aforesaid may be served either personally or by leaving the same with some Person being in occupation of such House or Part of a House, and where the Tenant of such House or Part of a House shall not reside therein, by serving the same personally or by leaving the same at the Place of Abode of the Tenant so holding over as aforesaid Four clear Days before the Day appointed for the hearing of the Matter of the said Summons: Provided always, that if the Person or Persons so holding over, or any or either of them, cannot be found, and Admission into the Premises so overheld for serving such Summons cannot be obtained, and the Place of Abode of such Person or Persons not residing as aforesaid shall either not be known or Admission thereto cannot be obtained for serving such Summons, the posting of the said Summons on some conspicuous Part of the Premises so held over shall be deemed to be good Service upon such Person or Persons respectively.

The Manner
in which such
Summons shall
be served.

XVIII. And be it enacted, That in construing this Act and the Schedule thereto annexed, unless the Context or Nature of the Provision shall exclude such Construction, Words importing the Singular Number only shall extend to several

Interpretation
of Act.

Persons or Things as well as to one Person or Thing; and Words importing the Plural Number shall extend to one Person or Thing as well as to several Persons or Things; and Words importing the Masculine Gender only shall extend to a Female as well as a Male; and the Expression "Assistant Barrister" shall extend to and include the Recorder of *Dublin*, and the Chairman of the Sessions of the Peace for the County of *Dublin*, the Recorder of *Cork* or of *Derry*, or the Recorder of any other Corporation for the Time being acting and holding Courts pursuant to the Act for the Regulation of Municipal Corporations in *Ireland*; and the Word "Decree" shall extend to and include a Dismiss and a Renewal of a Civil Bill Decree; the Word "Plaintiff" shall include a Petitioner; the Word "Defendant" shall include a Respondent; and the Words "Action" or "Suit" shall include a Petition or Matter.

- To extend to Ireland only.

Commence-ment of Act.

Act may be amended, &c.
- XIX. And be it enacted, That this Act shall extend only to *Ireland*.

XX. And be it enacted, That this Act shall commence and take effect on the First Day of *November* One thousand eight hundred and forty-eight.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULE to which the foregoing Act refers.

FORM (A.)

Form of Civil Bill to be served pursuant to this Act.

County of	}	By the Assistant Barrister at the Sessions for
Division of		
A.B. of	in the	The Defendant[s] is [or are] hereby
County of		
and Addition of Plaintiff[s] or	[Residence]	said Assistant Barrister, at
Complainant[s],	} Plaintiff [or Complainant].	the
Plaintiff [or Complainant].		Day of
C.D. of	in the	to answer
County of		[Resi-
dence and Addition,]	} Defendant[s].	why Execution or Process of Arrest [or
Defendant[s].		a Committal] should not issue against the
		Person of the Defendant, under or in
		respect of a certain Judgment [or Decree
		or Order] of the Court of
		bearing
		Date the
		Day of
		had and
obtained by the said Plaintiff[s] [or Complainant[s]] against the said De-		
fendant[s], for the Payment of the Sum of		
by the said Defen-		
dant[s], in a certain Action [or Suit], for [state the former Cause of Action,		
or Nature of the former Action, or that the Claim is for Costs, as the Case		
may be]; and which said Sum of		
Pounds the said Plaintiff[s]		
has [or have] been unable to recover from the said Defendant, or out of the		
Goods and Chattels of the Defendant.		
Or in default thereof the said Assistant Barrister will proceed as to		
Justice shall appertain.		
Dated this		
Day of		
Signed by [or on behalf of] the Plaintiff[s].		

FORM (B.)

Form of a Decree for Arrest or Execution against the Person, or a Committal.

County of
Division of
to wit.

}

By the Assistant Barrister at the Sessions
for the said County.

A.B. of
County of
and Addition of Plaintiff[s] or
Complainant[s],
Plaintiff[s] [or Complainant[s]].

in the
[Residence]

C.D. of
County of
and Addition,
Defendant[s].

in the
[Residence]

It appearing to the Court that the Plaintiff[s] caused a Civil Bill to be brought against the Defendant[s], requiring him [or them] to show Cause why Execution or Process of Arrest [or a Committal] should not issue against the Person of the Defendant[s], under and in respect of a certain Judgment [or Decree or Order] of the Court of bearing Date the Day of had and obtained by the said Plaintiff[s] [or Complainant[s],] against the said Defendant[s],

for the Payment of the Sum of by the said Defendant[s], in a certain Action [or Suit] for [state the former Cause of Action or Claim], and which said Sum of the said Plaintiff[s] had been unable to recover from the said Defendant[s], or out of the Goods and Chattels of the Defendant[s].

And it appearing to the Court that the said Plaintiff[s] is [or are] entitled to the said Execution [or Decree or Order] to be executed against the Person of the Defendant[s], [or to have the said Defendant[s] committed for]:

It is therefore ordered and decreed by the Court here, that the said Plaintiff[s] have Execution against the Person of the said Defendant[s] for the said Sum of together with Shillings and Pence Costs [or that the said Defendant[s] be committed to the Gaol of for the Period of]; and the several Sheriffs of the respective Counties in this Kingdom are hereby commanded, notwithstanding any Liberty within their Bailiwicks, to enter the same, and take in Execution the Body [or Bodies] of the Defendant[s], to satisfy the said Sum of Pounds and Costs, [or take the Body [or Bodies] of the said Defendant[s], and commit the said Defendant[s] to Custody in the Gaol of for the Period of unless the said Sum of and Costs be sooner paid].

Dated at this Day of

	£	s.	d.
Debt or Demand	-	-	-
Interest	-	-	-
Cost	-	0	8 6
Warrant	-	0	1 1

E.F., Attorney for Plaintiff.
G.H., Attorney for Defendant.
L.K., Assistant Barrister for said County.

CAP. XXIX.

An Act to enable Persons having a Right to kill Hares in *England* and *Wales* to do so, by themselves or Persons authorized by them, without being required to take out a Game Certificate. [22d July 1848.]

48 G. 3. c. 55.

52 G. 3. c. 93.

3 & 4 Vict. c. 17.

Persons in the Occupation of inclosed Ground, and in certain Cases Owners, may kill Hares without a Game Certificate.

‘ WHEREAS by an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for repealing the Duties of Assessed Taxes, and granting new Duties in lieu thereof, and certain additional Duties to be consolidated therewith, and also for repealing the Stamp Duties on Game Certificates, and granting new Duties in lieu thereof, to be placed under the Management of the Commissioners for the Affairs of Taxes*, and by an Act passed in the Fifty-second Year of the Reign of the said King *George* the Third, intituled *An Act for granting to His Majesty certain new and additional Duties of Assessed Taxes, and for consolidating the same with the former Duties of Assessed Taxes*, and by an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes*, certain Duties of Assessed Taxes were granted to Her Majesty the Queen upon, amongst other things, every Person who shall use any Dog, Gun, Net, or other Engine for the Purpose of taking or killing any Game whatever, or shall assist in any Manner in the taking or killing of any Game: And whereas by divers Laws now in force Penalties are imposed on all Persons taking or killing, or assisting in the taking or killing of, amongst other things, any Game whatever, who shall not have obtained a Certificate of the due Payment of such Duties: And whereas it has been found that much Damage has been and is continually done by Hares to the Produce of inclosed Lands, and that great Losses have thereby accrued and do accrue to the Occupiers of such Lands; and it is expedient that Persons in the actual Occupation of such inclosed Lands, or the Owners thereof, who have the Right of killing Game thereon, should be allowed to take, kill, and destroy Hares thereon, without the Payment of the said Duties of Assessed Taxes, and without the incurring of any of the Penalties above mentioned: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for any Person, being in the actual Occupation of any inclosed Lands, or for any Owner thereof who has the Right of killing Game thereon, by himself or by any Person directed or authorized by him in Writing, according to the Form in the Schedule to this Act annexed, or to the like Effect, so to do, to take, kill, or destroy any Hare then being in or upon any such inclosed Lands, without the Payment of any such Duties of Assessed Taxes as aforesaid,

aforesaid, and without the obtaining of an annual Game Certificate.

II. Provided always, and be it enacted, That no Owner or Occupier of Land as aforesaid shall be authorized to grant or continue, under the Provisions of this Act, Authority to more than One Person, at one and the same Time, to kill Hares upon his Land within any One Parish; and that he shall deliver the said Authority, or a Copy thereof, or cause the same to be delivered, to the Clerk of the Magistrates acting for the Petty Sessions Division within which the said Lands are situate, who shall forthwith register the same, and the Date of such Registration, in a Book to be kept by him for such Purpose, which Book shall be at all reasonable Times open to the Inspection of the Clerk of the Commissioners acting in the Execution of the Acts for Assessed Taxes or of any of the Collectors of Assessed Taxes within such District; and the said Authority, so soon as it shall have been registered as aforesaid, shall be held good until after the First Day of *February* in the Year following that within which the same is granted, unless the same be previously revoked, and Notice of such Revocation be given to the Clerk of the Magistrates as aforesaid; and the said registered Authority, or the unrevoked Register thereof, shall be good and sufficient Evidence of the Right of the Person to whom Authority is given by the same to kill Hares upon the Lands mentioned within the same without having obtained an annual Game Certificate.

Authority to kill Hares to be limited to One Person at the same Time in any One Parish; which Authority shall be sent to the Clerk of the Petty Sessions who shall register the same.

If Authority revoked Notice to be given of the same.

III. And be it enacted, That no Person so directed or authorized to kill any Hare as aforesaid shall, unless otherwise chargeable, be liable to any Duties of Assessed Taxes as Game-keeper.

Persons not to be liable to Tax on Game-keepers.

IV. And be it enacted, That from and after the passing of this Act it shall be lawful for any Person to pursue and kill or to join in the Pursuit and killing of any Hare by coursing with Greyhounds, or by hunting with Beagles or other Hounds, without having obtained an annual Game Certificate.

To extend to coursing or hunting.

V. Provided also, and be it enacted, That nothing herein contained shall extend or be taken or construed to extend to the making it lawful for any Person, with Intent to destroy or injure any Hares or other Game, to put or cause to be put any Poison or poisonous Ingredient on any Ground, whether open or inclosed, where Game usually resort, or in any Highway, or for any Person to use any Fire-arms or Gun of any Description, by Night, for the Purpose of killing any Game or Hares.

Not to authorize the laying of Poison.

VI. Provided also, and be it enacted, That where any Tenant of any Land for Life or Lives, Years, or otherwise, now is or hereafter shall be bound by any Agreement not to take, kill, or destroy any Game upon any Lands included in such Agreement, then and in all such Cases nothing herein contained shall extend or be taken or construed to extend to authorize or empower such Tenant to take, kill, or destroy any Hare upon any such Lands so included in such Agreement, or to authorize

Agreements reserving Game to be still in force.

Interpretation
of Act.

any other Person to kill or destroy any Hare upon any such Lands.

VII. And be it enacted, That in the Interpretation of this Act the Singular Number shall extend to several Persons and Things as well as to one Person or Thing; and any Word importing the Plural Number shall apply to one Person or Thing as well as to several Persons or Things; and every Word importing the Masculine Gender only shall extend to a Female as well as a Male; and that the Word "Agreement" shall include any Covenant, Proviso, Promise, Undertaking, Condition, or Reservation; and that the Word "Parish" shall include any Hamlet, Township, Tithing, or Extra-parochial Place; and for the Purposes of this Act the Word "Night" shall be considered and is hereby declared to commence at the Expiration of the first Hour after Sunset, and to conclude at the Beginning of the last Hour before Sunrise.

To extend to
England and
Wales only.

VIII. And be it enacted, That this Act shall extend to that Part of the United Kingdom called *England* and *Wales*.

Act may be
amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

SCHEDULE.

I *A. B.* do authorize *C. D.* to kill Hares on ["my Lands," or "the Lands occupied by me," as the Case may be], within the of [here insert the Name of the Parish or other Place, as the Case may be]. Dated this Day of [here insert the Day, Month, and Year].
A. B.

Witness,

CAP. XXX.

An Act to enable all Persons having at present a Right to kill Hares in *Scotland* to do so themselves, or by Persons authorized by them, without being required to take out a Game Certificate. [22d July 1848.]

48 G. 3. c. 55.

‘ WHEREAS by an Act passed in the Forty-eighth Year
‘ of the Reign of King *George* the Third, intituled *An*
‘ *Act for repealing the Duties of Assessed Taxes, and granting*
‘ *new Duties in lieu thereof, and certain additional Duties to be*
‘ *consolidated therewith, and also for repealing the Stamp Duties*
‘ *on Game Certificates, and granting new Duties in lieu thereof, to*
‘ *be placed under the Management of the Commissioners for the*
‘ *Affairs of Taxes*, and by an Act passed in the Fifty-second
‘ Year of the Reign of the said King *George* the Third, intituled
‘ *An Act for granting to His Majesty certain new and additional*
‘ *Duties of Assessed Taxes, and for consolidating the same with*
‘ *the former Duties of Assessed Taxes*, and by an Act passed
‘ in the Third Year of the Reign of Her present Majesty,
‘ intituled

52 G. 3. c. 93.

intituled *An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes*, certain Duties of Assessed Taxes were granted to Her Majesty the Queen upon, amongst other things, every Person who shall use any Dog, Gun, Net, or other Engine for the Purpose of killing any Game whatever, or shall assist in any Manner in the taking or killing of any Game: And whereas by divers Laws now in force Penalties are imposed on all Persons taking or killing, or assisting in the taking or killing of, amongst other things, any Game whatever, who shall not have obtained a Certificate of the due Payment of such Duties: And whereas it has been found that much Damage has been and continually is done by Hares to the Produce of Land, and that great Losses have been thereby sustained; and it is expedient that all Persons having at present a Right to kill and destroy Hares in *Scotland* should be allowed to do so without the Payment of the said Duties of Assessed Taxes, and without the incurring of any of the Penalties above mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for any Person having at present a Right to kill Hares in *Scotland* to do so himself, or by any Person permitted, directed, or commanded by him by any Writing under his Hand, without the Payment of any such Duties of Assessed Taxes as aforesaid, and without obtaining an annual Game Certificate: Provided always, that such Hares shall be found and killed in or upon his own Land; provided also, that no Person permitted, directed, or commanded as aforesaid shall have Power to authorize any other Person whatever to take or destroy any Hare.

3 & 4 Vict. c. 17.

Any Person having a Right to kill Hares in Scotland may do so without a Game Certificate, provided they shall be found on his own Land.

II. And be it enacted, That no Person so permitted, directed, or commanded to kill Hares as aforesaid shall, unless otherwise chargeable, be liable to any Duties of Assessed Taxes as Gamekeeper.

Such Persons not to be liable to Tax on Gamekeepers.

III. And be it enacted, That from and after the passing of this Act it shall be lawful for any Person to pursue and kill or to join in the Pursuit and killing Hares by coursing with Greyhounds, or by hunting with Beagles or other Hounds, without the having obtained an annual Certificate.

To extend to coursing or hunting.

IV. Provided always, and be it enacted, That nothing herein contained shall extend or be taken or construed to extend to the making it lawful for any Person, with Intent to destroy or injure any Hares or other Game, to put or cause to be put any Poison or poisonous Ingredient on any Ground, whether open or inclosed, where Game usually resort, or in any Highway, or for any Person to use any Fire-arms or Gun of any Description, by Night, for the Purpose of killing any Game or Hares.

Not to permit the Destruction of Hares, &c. by Poison.

V. And be it enacted, That in the Interpretation of this Act the Singular Number shall extend to several Persons and Things as well as to one Person or Thing; and any Word importing

Interpretation of Act.

importing the Plural Number shall apply to one Person or Thing as well as to several Persons or Things; and every Word importing the Masculine Gender only shall extend to a Female as well as a Male; and the Word "Night" shall be considered and is hereby declared to commence at the Expiration of the first Hour after Sunset, and to conclude at the Beginning of the last Hour before Sunrise.

Only to apply
to Scotland.

Act may be
amended, &c.

VI. And be it enacted, That this Act shall not extend to *England and Ireland*.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. XXXI.

An Act to amend the Procedure in respect of Orders for the Removal of the Poor in *England and Wales*, and Appeals therefrom. [22d July 1848.]

‘ WHEREAS the Communication now by Law required to be made, by the Overseers or Guardians of any Parish seeking to enforce an Order for the Removal of a poor Person to the Overseers or Guardians of the Parish to which such poor Person is intended to be removed, of a Copy of the Examination upon which such Order has been made, has been found to produce much expensive and useless Litigation upon Points of mere Form, so that few Cases of Appeals against such Orders are now decided upon the Merits:’ For Remedy thereof be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William the Fourth*, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales*, as provides, in Cases of Orders of Removal, that the Notice thereby required to be sent by the Overseers or Guardians of the Parish obtaining the Order shall be accompanied by a Copy of the Examination upon which such Order was made, shall be and the same is hereby repealed.

So much of
4 & 5 W. 4. c. 76.
as provides that
certain Notices
shall be accom-
panied by a
Copy of Exa-
mination, &c.
repealed.

Such Notice to
be accompanied
by a Statement
of Grounds of
Removal instead
of Copy of
Examination.

II. And be it enacted, That instead thereof such Notice shall be accompanied by a Statement in Writing under the Hands of such Overseers or such Guardians, or any Three or more of such Guardians, setting forth the Grounds of such Removal, including the Particulars of the Settlement or Settlements relied upon in support thereof: Provided always, that on the hearing of any Appeal against any Order of Removal it shall not be lawful for the Respondents to go into or give Evidence of any other Grounds of Removal than those set forth in such Statement.

Copy of Depo-
sitions to be
furnished on
Application.

III. And be it enacted, That the Clerk to the Justices who shall make any Order of Removal shall keep the Depositions upon

upon which such Order was made, and shall within Seven Days furnish a Copy of such Depositions to the Overseers or Guardians as aforesaid of the Parish to which the Removal is by such Order directed to be made, if such Overseers or such Guardians shall apply for such Copy, and pay for the same at the Rate of Two-pence for every Folio of Seventy-two Words; provided, that no Omission or Delay in furnishing such Copy of the Depositions shall be deemed or construed to be any Ground of Appeal against the Order of Removal; provided also, that on the Trial of any Appeal against an Order of Removal no such Order shall be quashed or set aside, either wholly or in part, on the Ground that such Depositions do not furnish sufficient Evidence to support, or that any Matter therein contained or omitted raises, an Objection to the Order or Grounds of Removal.

IV. ' And whereas a Statement of the Grounds of Removal or of Appeal is required to be communicated for the Purpose of enabling the Party receiving it to inquire into the Subject of such Statement, and, if need be, to prepare for Trial; ' be it therefore enacted, That upon the hearing of any Appeal against an Order of Removal no Objection whatever on account of any Defect in the Form of setting forth any Ground of Removal or of Appeal in any such Statement shall be allowed, and no Objection to the Reception of legal Evidence offered in support of a Ground of Removal or Appeal alleged to be set forth in any such Statement shall prevail, unless the Court shall be of opinion that such alleged Ground is so imperfectly or incorrectly set forth as to be insufficient to enable the Party receiving the same to inquire into the Subject of such Statement, and to prepare for Trial: Provided always, that in all Cases where the Court shall be of opinion that any such Objection to such Statement or to the Reception of Evidence ought to prevail, it shall be lawful for such Court, if it shall so think fit, to cause any such Statement of Grounds of Removal or Appeal to be forthwith amended by some Officer of the Court or otherwise, on such Terms as to Payment of Costs to the other Party, or postponing the Trial to another Day in the same Sessions or to the next subsequent Sessions, or both Payment of Costs and Postponement, as to such Court shall appear just and reasonable.

V. And be it enacted, That if either of the Parties to the said Appeal shall have included in the Statement of Grounds of Removal or of Appeal sent to the opposite Party any Ground or Grounds of Removal or of Appeal which shall, in the Opinion of the Court determining the Appeal, be frivolous and vexatious, such Party shall be liable, at the Discretion of the said Court, to pay the whole or any Part of the Costs incurred by the other Party in disputing any such Ground or Grounds, such Costs to be recovered in the same Manner as any Penalties or Forfeitures are recoverable under the said Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth.

VI. And

As to the Sufficiency of Statement of Grounds of Removal or Appeal.

Power to amend Statement of Grounds of Removal or Appeal.

Party making frivolous or vexatious Statement of Grounds of Removal or Appeal liable to pay Costs.

Power for Court
to amend Order
of Removal on
account of
Omission or
Mistake.

Proviso.

Decisions of
Courts upon
hearing of
Appeals final.

Abandonment
of Orders of
Removal.

As to Payment
of Costs on
Abandonment.

VI. And be it enacted, That if upon the Trial of any Appeal against an Order of Removal, or upon the Return to a Writ of Certiorari, any Objection shall be made on account of any Omission or Mistake in the drawing up of such Order, and it shall be shown to the Satisfaction of the Court that sufficient Grounds were in Proof before the Magistrates making such Order to have authorized the drawing up thereof free from the said Omission or Mistake, it shall be lawful for the Court, upon such Terms as to Payment of Costs as it shall think fit, to amend such Order of Removal, and to give Judgment as if no such Omission or Mistake had existed: Provided always, that no Objection on account of any Omission or Mistake in an Order of Removal brought up upon a Return to a Writ of Certiorari shall be allowed, unless such Omission or Mistake shall have been specified in the Rule for issuing such Writ of Certiorari.

VII. And be it enacted, That the Decision of the Court upon the hearing of any Appeal against any Order of Removal, as well upon the Sufficiency and Effect of the Statement of the Grounds of Removal and of Appeal, and of the Notice of Chargeability, and of the Copy or Counterpart of the Order of Removal sent to the appellant Parish, as upon the amending or refusing to amend the Order of Removal as aforesaid or the Statement of Grounds of Removal or Appeal, shall be final, and shall not be liable to be reviewed in any Court, by means of a Writ of Certiorari or Mandamus, or otherwise.

VIII. And be it enacted, That in any Case in which an Order shall have been made for the Removal of any poor Person, and a Copy or Counterpart thereof sent as by Law required, it shall and may be lawful for the Overseers or Guardians of the Parish who shall have obtained such Order of Removal, whether any Notice of Appeal against such Order shall or shall not have been given, and whether any Appeal shall have been entered or not, to abandon such Order by Notice in Writing under the Hands of such Overseers or Guardians, or any Three or more of such Guardians, to be sent by Post or delivered to the Overseers or Guardians as aforesaid of the Parish to which such Person is by the said Order directed to be removed; and thereupon the said Order, and all Proceedings consequent thereon, shall become and be null and void to all Intents and Purposes as if the same had not been made, and shall not be in any way given in Evidence in case any other Order of Removal of the same Person shall be obtained: Provided always, that in all Cases of such Abandonment the Overseers or Guardians of the Parish so abandoning shall pay to the Overseers or Guardians of the Parish to which such Person is by the said Order directed to be removed the Costs which the said last-mentioned Overseers or Guardians shall have incurred by reason of such Order, and of all subsequent Proceedings thereon, which Costs the proper Officer of the Court before whom any such Appeal (if it had not been abandoned) might have been brought shall and he is hereby required, upon Application,

plication, to tax and ascertain at any Time, whether the Court shall be sitting or not, upon Production to him of such Notice of Abandonment, and upon Proof to him that such reasonable Notice of Taxation, together with a Copy of the Bill of Costs, has been given to the Overseers or Guardians abandoning such Order as the Distance between the Parishes shall in his Judgment require, and thereupon the Sum allowed for Costs, including the usual Costs of Taxation, which such Officer is hereby empowered to charge and receive, shall be endorsed upon the said Notice of Abandonment, and the said Notice so endorsed shall be filed among the Records of the said Court; and if the said Costs so allowed be not paid within Ten Days after such Costs shall have been lawfully demanded the Amount thereof may be recovered from such last-mentioned Overseers or Guardians in the same Manner as any Penalties or Forfeitures are recoverable under the said Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of King *William* the Fourth.

IX. And be it enacted, That no Appeal shall be allowed against any Order of Removal if Notice of such Appeal be not given as required by Law, within the Space of Twenty-one Days after the Notice of Chargeability and Statement of the Grounds of Removal shall have been sent by the Overseers or Guardians of the removing Parish to the Overseers or Guardians of the Parish to which such Order shall be directed, unless within such Period of Twenty-one Days a Copy of the Depositions shall have been applied for as aforesaid by the last-mentioned Overseers or Guardians, in which Case a further Period of Fourteen Days after the sending of such Copy shall be allowed for the giving of such Notice of Appeal; but in such Case no poor Person shall be removed under such Order of Removal until the Expiration of such further Period of Fourteen Days.

X. And be it enacted, That all the Provisions which relate to the sending and Service of Copies of Orders of Removal shall apply to such Orders when suspended, and to all Orders consequent upon such Suspension, and to all Copies of Charges arising thereon, and Demands of Payment of such Charges.

XI. And be it enacted, That the said Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales*, and all Acts to amend and extend the same, and the present Act, shall (except so far as the Provisions of any former Act are altered, amended, or repealed by any subsequent Act,) be construed as One Act.

XII. And be it enacted, That this Act shall commence and take effect on the First Day of *August* One thousand eight hundred and forty-eight.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

No Appeal if Notice be not given within a certain Time after Notice of Chargeability.

Service of suspended Orders of Removal and Orders consequent thereon.

4 & 5 W. 4. c. 76., and all Acts amending the same, to be construed with this Act.

Commencement of Act.

Act may be amended, &c.

CAP. XXXII.

An Act to facilitate the Collection of County Cess in
Ireland. [22d July 1848.]

6 & 7 W. 4.
c. 116.

11 & 12 Vict.
c. 26.

In case Collectors cannot be procured for an entire Barony, Grand Jury at Summer Assizes of this Year, or Magistrates at Special Sessions after them, may appoint Collectors for Districts.

When Grand Jury at Assizes shall not have appointed Collectors of Cess, Quarter Sessions or Special Sessions may appoint before the Spring Assizes.

‘ WHEREAS by an Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William the Fourth*, intituled *An Act to consolidate and amend the Laws relating to the Presentment of public Money by Grand Juries in Ireland*, it is amongst other things provided, that the Grand Jury of each County in *Ireland* shall, at each Assizes, appoint a proper Person to be High Constable and Collector for each Barony in such County to collect all Monies presented to be raised on such Barony, or a County of a City or County of a Town, in manner therein particularly specified: And whereas by an Act passed in this present Session of Parliament, intituled *An Act to remove Difficulties in the Appointment of Collectors of Grand Jury Cess in Ireland in certain Cases, and to remove Doubts as to the Jurisdiction of the Divisional Justices of the Police District of Dublin Metropolis relating to the Recovery of Poor Rates, and other Cases*, it is amongst other things provided, that in case the Grand Jury at any Assizes shall not have appointed a High Constable or Collector of Cess, or a Vacancy shall have occurred in such Office in certain Cases, it shall be lawful for the Justices of the Peace of any County, at any General Quarter Sessions of the Peace or Adjournment thereof, or at a Special Sessions of the Peace, called together as in that Act directed, to appoint a Collector of any Barony: And whereas in some Cases it may happen that a duly qualified Person cannot be found to undertake the Collection of a Barony:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case it shall appear to the Grand Jury of any County assembled at the Summer Assizes of this present Year, or to the Magistrates assembled at a Special Sessions of the Peace, as herein-after directed, that a Collector cannot be procured to collect for an entire Barony, then it may be lawful for such Grand Jury, or for the Magistrates at such Special Sessions, to appoint duly qualified Persons for such convenient Districts as to them may seem fit, provided that such Districts together comprise the whole Barony.

II. And be it enacted, That in every Case in which it shall have happened, that any Grand Jury at such Summer Assizes shall not have appointed a High Constable or Collector of Cess for any Barony of such County, or if any Case of Vacancy shall occur or exist after such Assizes and before the First Day of the next ensuing Assizes, it shall be lawful for the Justices of the Peace of the said County at any General Quarter Sessions of the Peace or Adjournment thereof, or at a Special Sessions of the Peace to be called by the Clerk of the Peace in Two Days

Days after the Receipt of the written Requisition of the Treasurer for the Purpose, at the County or Assize Town or Sessions Town of the Division in which such Barony is situate, (giving Six Days Notice thereof to such Justices resident in such Division,) to appoint a fit and proper Person to be Collector of Cess as aforesaid for any District of any Barony of such County for which no such High Constable or Collector of Cess shall have been appointed at the Assizes by the Grand Jury, or for which such Vacancy shall occur or exist in manner aforesaid, as the Case may be; and it shall be lawful for any such Person so appointed to give such Security as aforesaid before such Justices in like Manner as directed by the said recited Acts or either of them; and in case any Person appointed as aforesaid by the Grand Jury at the Assizes shall not have given Security before such Grand Jury as by the said first-recited Act required, it shall be lawful for such Person so appointed to give such Security before the Justices of the Peace of such County at the next General or Quarter Sessions of the Peace for the Division of the County in which such Barony is situate, or at any Special Sessions; or in default thereof it shall be lawful for such Justices, at any General or Quarter Sessions of the Peace or Adjournment thereof for such County, or at such Special Sessions as aforesaid, to appoint some other fit and proper Person to act as Collector for any District of such Barony or Place in lieu of the Person so appointed by the Grand Jury; and it shall be lawful for the Person so appointed by such Justices to give such Security as aforesaid before such Justices at such Sessions in the like Manner as if the same were given at the Assizes before the Grand Jury; and all the Provisions of the said recited Act, or any Act amending the same, or of any other Act or Acts relating to any such High Constables or Collectors of Cess, shall be extended and applied to any Collector of Cess appointed and giving Security as aforesaid, or only giving Security as aforesaid under the Provisions of this Act, as fully and effectually as if he were a High Constable or Collector of Cess duly appointed by and giving Security before the Grand Jury at the Assizes under the Provisions of the said recited Act; and the Warrant of the Treasurer of such County issued to the Collector of each such District (which Warrant such Treasurer is hereby authorized and required to issue) shall be of the same Validity and Force as if it had been issued to a High Constable or Collector appointed under the Provisions of the said recited Acts or either of them.

Persons appointed to give Security.

III. And be it enacted, That any Person duly authorized to collect and levy the Grand Jury Cess under this Act shall, on or before the First Day of every Month, or so often as he shall have received One hundred Pounds, pay into the County Bank, to the Credit of the Treasurer of the County, the Sums he may have received up to such Period, and shall furnish to the Treasurer of the County an Account of the Sums so received and paid in.

Collector shall pay his Collection monthly to the County Bank, or as soon as he has received 100*l*.

IV. And

Act may be
amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XXXIII.

An Act to apply the Sum of Three Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-eight.

[22d July 1848.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sum herein-after mentioned, and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and forty-eight, the Sum of Three Millions out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

There shall be applied, for the Service of the Year 1848, the Sum of 3,000,000*l.* out of the Consolidated Fund.

The Treasury may cause 3,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1. 4 & 5 W. 4. c. 15. and 5 & 6 Vict. c. 66.

II. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Three Millions, and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at Westminster*, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills*.

III. And

III. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

The Clauses, &c. in recited Acts extended to this Act.

IV. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Interest on Exchequer Bills.

V. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Three Millions, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon the Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France*, or in any other Act or Acts, to the contrary notwithstanding.

Bank of England may advance 3,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

VII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain and Ireland* in this present Session of Parliament.

Monies raised by Bills to be applied to the Services voted by the Commons.

VIII. And be it enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

CAP. XXXIV.

An Act to amend certain Acts in force in *Ireland* in relation to Appeals from Decrees and Dismisses on Civil Bills in the County of *Dublin* and County of the City of *Dublin*. [22d July 1848.]

‘ WHEREAS by certain Acts of Parliament in force in
 ‘ *Ireland* Provision is made for enabling any Person who
 ‘ may think himself aggrieved by a Decree or Dismiss of the
 ‘ Recorder of *Dublin* upon any Civil Bill, or by a Decree, Dis-
 ‘ miss, or Order of the Chairman of the County of *Dublin*, or by
 ‘ the Decree of any Seneschal or Steward of any Manor Court
 ‘ within the County of *Dublin* or County of the City of *Dublin*,
 ‘ to appeal from such Decree, Dismiss, or Order to the Chief
 ‘ Justice of Her Majesty's Court of Queen's Bench or Court of
 ‘ Common Pleas, or to the Chief Baron of Her Majesty's Court
 ‘ of Exchequer in *Ireland*, or other Justice of Nisi Prius, at
 ‘ their respective Sittings at Nisi Prius for the City of *Dublin*,
 ‘ after the *Easter* or *Michaelmas* Term next following the pro-
 ‘ nouncing of such Decree, Dismiss, or Order, under certain
 ‘ Regulations in that Behalf provided, one of which is that the
 ‘ Party so appealing shall give Twenty Days previous Notice
 ‘ in Writing to the Party obtaining such Decree, Dismiss, or
 ‘ Order, or to his Attorney, to which of the said Judges such
 ‘ Appeal is intended to be made: And whereas, in order as
 ‘ well to expedite the Determination of such Appeals as also to
 ‘ distribute more equally among the Vacations succeeding the
 ‘ Law Terms the Business of hearing and determining the
 ‘ same, it is expedient to amend the said Acts by making such
 ‘ Provision

‘ Provision in relation to the said Appeals as herein-after mentioned.’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act every Appeal from any Decree, Dismiss, or Order on any Civil Bill of the Recorder of *Dublin* or of the Chairman of the County of *Dublin*, or of any Seneschal or Steward of any Manor Court within the County of *Dublin* or County of the City of *Dublin*, or having Jurisdiction within both the County of *Dublin* and County of the City of *Dublin*, shall be made to the Chief Justice of the said Court of Queen’s Bench or of the said Court of Common Pleas, or to the Chief Baron of the said Court of Exchequer or other Justice who shall sit at Nisi Prius to try Records issuing out of such Court respectively, in the Vacation next following the Term which shall end on or next after the Expiration of Fourteen Days from the Day of the making or pronouncing of such Decree, Dismiss, or Order; and such Appeal may be heard by such Chief Justice, Chief Baron, or any Justice who shall so sit at Nisi Prius at any Time after the last Day of such Term, and before the first Day of the next ensuing Term, and either before or after the Time appointed or limited for the Sittings at Nisi Prius in such Vacation, with Power to such Chief Justice, Chief Baron, or other Justice to adjourn or postpone the hearing or determining of any such Appeal to any Time in or after the subsequent Term, if, for special Reasons to be stated in the Decree, Affirmance, Dismiss, or Order which shall be made upon such Appeal, he shall deem it proper so to do; and instead of Twenty Days Notice of Appeal, now required by Law, the Party appealing shall give to the Party who shall have obtained such Decree, Dismiss, or Order, or to his Attorney, Ten Days (at the least) previous to the Commencement of the Vacation next following the Term which shall so end on or next after the Expiration of Fourteen Days from the Day of the making or pronouncing of such Decree, Dismiss, or Order, Notice in Writing, apprizing such Party who shall have obtained such Decree, Dismiss, or Order, or his Attorney, to which of the said Judges such Appeal is intended to be made; and such Appeal, and all Proceedings and Matters in relation thereto, shall be heard, determined, conducted, and observed in every respect, save so far as is otherwise provided by this Act, in such Manner, and subject to such Rules, Restrictions, and Regulations, as is or are now required by Law in case of Appeal from any such Decree, Dismiss, or Order.

Appeals from Civil Bill Decrees and Dismisses in the County and City of Dublin to be heard in the Vacation after every Term, with Power of Adjournment for special Reasons.

Notice of Appeal.

II. And be it enacted, That in computing the said Periods of Fourteen Days and Ten Days the same shall be reckoned respectively inclusive of the Day of the making or pronouncing of such Decree, Dismiss, or Order, and of the Day of the giving of such Notice, but exclusive of the Day on which such Vacation shall commence.

Computation of Time.

Interpretation
of Terms.

III. And be it enacted, That in the Construction of this Act the Word "Party" shall include any Corporation Sole or Aggregate; and that all Words importing the Singular Number or Masculine Gender shall be construed to extend to and include many Persons as well as one Person, and Females as well as Males.

Act may be
amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XXXV.

An Act to empower the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to apprehend, and detain until the First Day of *March* One thousand eight hundred and forty-nine, such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government.

[25th *July* 1848.]

‘ **WHEREAS** a treasonable and rebellious Spirit of Insurrection now unfortunately exists in *Ireland*:’ Therefore, for the better Preservation of Her Majesty's most sacred Person, and for securing the Peace, the Laws, and Liberties of this Kingdom, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person and Persons who is, are, or shall be within Prison within that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland* at or on the Day on which this Act shall receive Her Majesty's Royal Assent, or after, by Warrant of Her Majesty's Most Honourable Privy Council of *Ireland*, signed by Six of the said Privy Council, for High Treason or treasonable Practices, or Suspicion of High Treason or treasonable Practices, or by Warrant signed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or his or their Chief Secretary, for such Causes as aforesaid, may be detained in safe Custody without Bail or Mainprize until the First Day of *March* One thousand eight hundred and forty-nine, and that no Judge or Justice of the Peace shall bail or try any such Person or Persons so committed without Order from Her said Majesty's Privy Council until the said First Day of *March* One thousand eight hundred and forty-nine, any Law or Statute to the contrary notwithstanding.

Persons imprisoned in *Ireland* for High Treason, &c. may be detained till the 1st *March* 1849, and shall not be bailed or tried without an Order from the Privy Council.

Persons to whom Warrants of Commitment are directed shall detain the Persons so com-

II. And be it enacted, That in Cases where any Person or Persons have been before the passing of this Act, or shall be during the Time this Act shall continue in force, arrested, committed, or detained in Custody by force of a Warrant or Warrants of Her Majesty's Most Honourable Privy Council of *Ireland*,

Ireland, signed by Six of the said Privy Council, for High Treason or treasonable Practices, or Suspicion of High Treason or treasonable Practices, or by Warrant or Warrants signed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or his or their Chief Secretary, for such Causes as aforesaid, it shall and may be lawful for any Person or Persons to whom such Warrant or Warrants have been or shall be directed to detain such Person or Persons so arrested or committed in his or their Custody in any Place whatever within *Ireland*, and that such Person or Persons to whom such Warrant or Warrants have been or shall be directed shall be deemed and taken to be to all Intents and Purposes lawfully authorized to detain in safe Custody, and to be the lawful Gaolers and Keepers of such Persons so arrested, committed, or detained, and that such Place or Places where such Persons so arrested, committed, or detained are or shall be detained in Custody shall be deemed and taken to all Intents and Purposes to be lawful Prisons and Gaols for the Detention and safe Custody of such Person and Persons respectively; and that it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by Warrant signed by him or them, or for the Chief Secretary of such Lord Lieutenant or other Chief Governor or Governors, by Warrant signed by such Chief Secretary, or for Her Majesty's Privy Council of *Ireland*, by Warrant signed by Six of the Privy Council, from Time to Time, as Occasion shall be, to change the Person or Persons by whom and the Place in which such Person or Persons so arrested, committed, or detained shall be detained in safe Custody.

mitted in safe Custody.

Persons charged with Custody, as also Place of Detention, may be changed by Warrant as herein mentioned.

III. Provided always, and be it enacted, That Copies of such Warrants respectively shall be transmitted to the Clerk of the Crown in and for the County of the City of *Dublin*, and shall be filed by him in the Public Office of the Pleas of the Crown in the City of *Dublin*.

Copies of Warrants to be transmitted to the Clerk of the Crown for *Dublin*.

CAP. XXXVI.

An Act for the Amendment of the Law of Entail in *Scotland*.
[14th August 1848.]

‘ WHEREAS the Law of Entail in *Scotland* has been found to be attended with serious Evils, both to Heirs of Entail and to the Community at large, and it is expedient that the same be amended in manner herein-after provided for:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where any Estate in *Scotland* shall be entailed by a Deed of Tailzie dated on or after the First Day of August One thousand eight hundred and forty-eight it shall be lawful for any Heir of Entail born after the Date of such Tailzie, being of full Age, and in possession of such entailed Estate by virtue of such

Heir born after the Date of any future Entail may disentail the Estate; born before, may do so with Consent of Heir next in succes-

sion, being Heir Apparent under the Entail.

Tailzie, to acquire such Estate, in whole or in part, in Fee Simple, by applying to the Court of Session for Authority to execute, and executing, and recording in the Register of Tailzies, under the Authority of the Court, an Instrument of Disentail in the Form and Manner herein-after provided; and it shall be lawful for any Heir of Entail, being of lawful Age, and in possession of such entailed Estate by virtue of such Tailzie, though born before the Date of such Tailzie, with the Consent, and not otherwise, of the Heir next in succession, being Heir Apparent under the Entail of the Heir in possession, to acquire such Estate, in whole or in part, in Fee Simple, by applying to the Court for Authority to executé, and executing, and recording in the Register of Tailzies, under the Authority of the Court, an Instrument of Disentail in the Form and Manner herein-after provided: Provided always, that such Consent to such Instrument of Disentail shall not be valid and effectual unless granted by a Person of the Age of Twenty-five Years complete, not subject to any legal Incapacity, and born after the Date of the Tailzie to which such Instrument applies.

Heir in possession under an existing Entail born after 1st August 1848 may disentail; born before that Date, may do so with Consent of Heir next in succession, being Heir Apparent born after 1st August 1848.

II. And be it enacted, That where any Estate in *Scotland* is held by virtue of any Tailzie dated prior to the said First Day of *August* One thousand eight hundred and forty-eight it shall be lawful for any Heir of Entail born on or after the said First Day of *August*, being of full Age, and in possession of such entailed Estate by virtue of such Tailzie, to acquire such Estate, in whole or in part, in Fee Simple, by applying to the Court of Session for Authority to execute, and executing, and recording in the Register of Tailzies, under the Authority of the Court, an Instrument of Disentail in the Form and Manner herein-after provided; and it shall be lawful for any Heir of Entail, though born before the said First Day of *August* One thousand eight hundred and forty-eight, being of full Age, and in possession of such entailed Estate by virtue of such Tailzie dated prior to the said First Day of *August*, with the Consent (and not otherwise) of the Heir next in succession, being Heir Apparent under the Entail of the Heir in possession, he being born on or after the said First Day of *August* One thousand eight hundred and forty-eight, and being of the Age of Twenty-five Years complete at the Time of granting such Consent, and not subject to any legal Incapacity, to acquire such Estate, in whole or in part, in Fee Simple, by executing under Authority of the Court an Instrument of Disentail as aforesaid, in the Form and Manner herein-after provided.

Heir of Entail under an existing Entail may disentail, with certain Consents.

III. And be it enacted, That it shall be lawful for any Heir of Entail, being of full Age, and in possession of an entailed Estate in *Scotland* holden by virtue of any Tailzie dated prior to the said First Day of *August* One thousand eight hundred and forty-eight, to acquire such Estate, in whole or in part, in Fee Simple, by applying to the Court of Session for Authority to execute, and executing, and recording in the Register of Tailzies, under the Authority of the Court, an Instrument of Disentail in the Form and Manner herein-after provided: Provide

vided always, that such Heir of Entail in possession shall be the only Heir of Entail in existence for the Time, and unmarried, or otherwise shall have obtained the Consents of the whole Heirs of Entail, if there be less than Three in being at the Date of such Consents, and at the Date of presenting such Application, or otherwise shall have obtained the Consents of the Three nearest Heirs who at the said Dates are for the Time entitled to succeed to such Estate in their Order successively immediately after such Heir in possession, or otherwise shall have obtained the Consents of the Heir Apparent under the Entail and of the Heir or Heirs, in Number not less than Two, including such Heir Apparent who in Order successively would be Heir Apparent: Provided also, that the nearest Heir of Entail for the Time entitled to succeed to such Estate immediately after such Heir in possession, where any such other Heir exists, shall be of the Age of Twenty-five Years complete, and not subject to any legal Incapacity.

IV. And be it enacted, That it shall be lawful for any Heir of Entail, being of full Age, and in possession of an entailed Estate in *Scotland*, with such and the like Consents as by this Act would enable him to disentail such Estate, to sell, alienate, dispoise, charge with Debts or Incumbrances, lease and feu such Estate, in whole or in part, and that unconditionally, or subject to Conditions, Restrictions, and Limitations, according to the Tenor of such Consents, the Authority of the Court of Session being always obtained thereto in the Form and Manner herein-after provided; and such Heir of Entail shall be entitled to make and execute, at the Sight of the Court, all such Deeds of Conveyance and other Deeds as may be necessary for giving Effect to the Sales, Dispositions, Charges, Leases, or Feus so made and granted.

Heir of Entail may sell, charge, lease, and feu, with the like Consents as enable him to disentail.

V. And be it enacted, That it shall be lawful for any Heir of Entail, being of full Age, and in possession of an entailed Estate in *Scotland* holden by him by virtue of any Tailzie dated prior to the said First Day of *August* One thousand eight hundred and forty-eight, with the Consent of the whole Heirs of Entail if there be less than Three in being at the Date of such Consents and at the Date of presenting Application for the Authority of the Court as after mentioned, or otherwise with the Consent of the Three nearest Heirs who at the said Dates are for the Time entitled to succeed to such Estate in their Order successively immediately after such Heir in possession, or otherwise with the Consent of the Heir Apparent under the Entail, and of the Heir or Heirs, in Number not less than Two, including such Heir Apparent, who in Order successively would be Heir Apparent, to excamb such Estate, in whole or in part, the Authority of the Court of Session being always obtained thereto in the Form and Manner herein-after provided; and such Heir of Entail in possession shall be entitled to make and execute, at the Sight of the Court, all such Contracts of Excambion and other Deeds as may be necessary in order to give Effect to such

Heir of Entail under existing Entail may excamb, with certain Consents.

Provision for
Disclosure of
Entailer's Debts
which affect
the Estate dis-
entailed.

Excambions, by the Substitution of the Lands to be acquired in the Room and Place in all respects of the Lands to be disposed.

VI. And be it enacted, That where any Heir of Entail in possession of an entailed Estate in *Scotland* shall apply to the Court of Session under this Act in order to disentail such Estate, in whole or in part, or to sell, alienate, dispoise, charge with Debts or Incumbrances, lease, feu, or excamb the same or any Part thereof, he shall make and produce in such Application an Affidavit setting forth that there are no Entailer's Debts or other Debts, and no Provisions to Husbands, Widows, or Children, affecting or that may be made to affect the Fee of the said entailed Estate or the Heirs of Entail, or, if there are such Debts or Provisions, setting forth the Particulars of the same, with the Amounts thereof respectively, Principal, Interest, and Expenses, and the Vouchers by which the same are instructed, and the Names, Designations, and Residences of the Parties in right of the same; and the Court shall not proceed with such Application until such Affidavit is lodged; and, if the Court shall see Cause, Intimation of such Application may be ordered to be made to the Parties in right of the said Debts or Provisions or any of them, with a view to such Parties appearing for their Interest, if they shall see fit; and it shall be lawful for the Court to order such Provision as may appear just to be made for such Debts or Provisions, or for the Protection of the Parties in right of the same, before granting the Authority sought for in such Application, or as the Condition of granting the same; and any Person who shall wilfully make such Affidavit falsely shall be deemed to be guilty of Perjury, and be punishable accordingly.

Creditors in
Entailer's
Debts, &c.
using Inhibition
not to be
affected by
Instrument of
Disentail.

VII. And be it enacted, That any Party in right of an Entailer's Debt or of any other Debt, or of any Provision to a Husband, Widow, or younger Child, affecting or that may be made to affect the Fee of any entailed Estate in *Scotland*, and who before the Expiry of One Year from the Date of recording an Instrument of Disentail of such Estate in the Register of Tailzies shall use and record Inhibition in reference to such Debt against the Heir of Entail in possession of such Estate for the Time, shall be entitled to affect such Estate in respect of such Debt or Provision as if no such Instrument of Disentail had been recorded as aforesaid, and no Debt or Charge on such Estate, or Right whatsoever therein, which would not have competed with such Debt or Provision had such Instrument of Disentail not been recorded, shall be allowed to compete therewith by reason of the recording of such Instrument of Disentail.

Settlements by
Marriage Con-
tract not to be
disappointed.

VIII. And be it enacted, That where any Heir of Entail in possession of an entailed Estate in *Scotland* holden by virtue of any Tailzie dated prior to the said First Day of *August* One thousand eight hundred and forty-eight, or the Heir Apparent to such Estate, shall, together or separately, have secured by Obligation in any Marriage Contract the Descent of such Estate upon the Issue of the Marriage in reference to which
such

such Contract is entered into, it shall not be competent for such Heir of Entail in possession, or Heir Apparent, or either of them, to apply for or to consent to the Disentail of such Estate, until there shall be born a Child of such Marriage capable of taking the Estate in Terms of such Contract, and who, by himself or his Guardian, shall consent to such Disentail, or until such Marriage shall be dissolved without such Child being born, unless the Trustee or Trustees named in such Contract, or the Party or Parties at whose Sight the Provisions of the Contract are directed to be carried into execution, shall concur in such Application or Consent.

IX. And be it enacted, That where any Heir of Entail called to the Succession of an entailed Estate in *Scotland* by any Tailzie dated prior to the said First Day of *August* One thousand eight hundred and forty-eight shall have borrowed Money previous to the passing of this Act on the Security or Credit of his Right of Succession to or Interest in such entailed Estate, such Heir shall not be entitled to give Consent to any Application under this Act which shall be opposed by any Creditor to whom such Heir stands indebted in respect of Money borrowed as aforesaid, and who shall either hold Infeftment in the entailed Estate, duly recorded, in security of his said Debt, or shall enter Appearance, and prove the same, in the course of the Proceedings under such Application: Provided always, that it shall be competent to the Court of Session, if, with reference to any Offer of adequate Security, or otherwise in the Circumstances, it shall deem the Opposition on the Part of such Creditor to be unreasonable, to disallow the same, and to give effect to the Consent of such Heir.

Heirs of Entail not to give Consent in opposition to Creditors in Debts now existing.

X. And be it enacted, That where any Heir Apparent of an entailed Estate in *Scotland* under a Tailzie dated prior to the said First Day of *August* One thousand eight hundred and forty-eight shall subsequent to the passing of this Act borrow Money on the Security or Credit of his Right of Succession to or Interest in such entailed Estate, such Heir Apparent shall not be entitled to give Consent to any Application under this Act, except under the like Circumstances as would have enabled him to give Consent, and to have his Consent allowed, had such Money been borrowed previous to the passing of this Act; but the Consents of the other Heirs Substitute shall be given and allowed independently of the Rights of any such Creditors.

Heir Apparent under future Tailzie not to give Consent in opposition to his Creditors.

XI. And be it enacted, That any Creditor of an Heir of Entail in possession of an entailed Estate in *Scotland* who is by this Act empowered by himself alone, without the Consent of any other Party, to acquire such Estate in Fee Simple, by executing and recording an Instrument of Disentail as aforesaid, shall be entitled to affect such Estate for Payment of Debt, and have the same Rights and Interests therein as if such Instrument of Disentail had been duly executed and recorded, albeit such Heir in possession may not have duly executed and recorded such Instrument of Disentail.

Creditor of an Heir empowered to disentail may affect the Estate for Payment of his Debt.

XII. And

Acts 10 G. 3.
c. 51. and
5 G. 4. c. 87.
not to apply to
future Tailzies.

XII. 'And whereas an Act was passed in the Tenth Year of the Reign of His Majesty King *George the Third*, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments in that Part of Great Britain called Scotland held under Settlements of strict Entail*; and another Act was passed in the Fifth Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act to authorize the Proprietors of entailed Estates in Scotland to grant Provisions to the Wives or Husbands and Children of such Proprietors*;' be it enacted, That neither of the Two last-recited Acts shall be applicable to any Tailzie dated on or after the First Day of *August* One thousand eight hundred and forty-eight.

Heir having
obtained Decree
for Expense of
Improvements
may grant Bond
of annual Rent.

XIII. And be it enacted, That where an Heir of Entail in possession of an entailed Estate holden by virtue of any Tailzie dated prior to the said First Day of *August* One thousand eight hundred and forty-eight shall have executed Improvements on such Estate previous to the passing of this Act, and shall have obtained Decree for Three Fourth Parts of the Sums expended thereon, in Terms of the said recited Act of the Tenth Year of the Reign of His Majesty King *George the Third*, and shall also have obtained the Authority of the Court of Session as after mentioned, it shall be lawful for such Heir to execute, in favour of any Party he may think fit, a Bond of annual Rent in ordinary Form over such entailed Estate or any Portion thereof, binding himself and his Heirs of Tailzie to make Payment of an annual Rent during the Period of his own Life and Twenty-five Years thereafter, such annual Rent during his own Life not exceeding the legal Interest of the said Three Fourth Parts of the Sums expended as aforesaid, and during the Twenty-five Years after his Decease not exceeding the Sum of Seven Pounds Two Shillings for every One hundred Pounds of such Three Fourth Parts as aforesaid, and so in proportion for any greater or less Sum, and such annual Rent being payable by equal Moieties half-yearly at the Terms of *Whitsunday* and *Martinmas*, beginning the first Term's Payment at the first Term of *Whitsunday* or *Martinmas* after the Date of the Bond, for the Proportion of annual Rent then due, with legal Interest, and Penalties in case of Failure.

Heir in future
expending
Money in Im-
provements
may grant Bond
of annual Rent.

XIV. And be it enacted, That where an Heir of Entail in possession of an entailed Estate holden by virtue of any Tailzie dated prior to the said First Day of *August* One thousand eight hundred and forty-eight shall execute Improvements on such Estate subsequent to the passing of this Act, and obtain Decree for Three Fourth Parts of the Sums expended thereon, in Terms of the said recited Act of the Tenth Year of the Reign of His Majesty King *George the Third*, and shall also obtain the Authority of the Court as after mentioned, it shall be lawful for such Heir of Entail to execute, in favour of any Party he may think fit, a Bond of annual Rent in ordinary Form over such entailed Estate or any Portion thereof, binding himself and his Heirs of Tailzie to make Payment of an
annual

annual Rent during the Period of Twenty-five Years from and after the Date of such Decree, or during such Part of the said Period of Twenty-five Years as may remain unexpired at the Date of such Bond, such annual Rent not exceeding the Sum of Seven Pounds Two Shillings for every One hundred Pounds of the whole of the Sums expended as aforesaid, and so in proportion for any greater or less Sum, and being payable half-yearly by equal Moieties at the Terms of *Whitsunday* and *Martinmas*, beginning the first Term's Payment at the first Term of *Whitsunday* or *Martinmas* after the Date of the Bond, for the Proportion of annual Rent then due, with legal Interest, and Penalties in case of Failure.

XV. And be it enacted, That where any Heir of Entail in possession of an entailed Estate in *Scotland* shall have executed Improvements on such Estate prior to the passing of this Act, and recorded the same in Terms of the said last-recited Act, and died without having executed a Bond of annual Rent as herein-before authorized, or having charged the Estate as herein-after authorized, and where Decree shall have been obtained, in Terms of the said last-recited Act, for Three Fourth Parts of the Sums expended thereon, it shall be lawful for the Executor or personal Representative of such Heir of Entail, or for any Party to whom such Heir may have conveyed or assigned such Debt, to make Application by summary Petition to the Court of Session, praying the Court to decern and ordain the Heir in possession of such entailed Estate to execute, in favour of any Party such Petitioner may think fit, a Bond of annual Rent in ordinary Form over such entailed Estate or any Portion thereof, binding himself and his Heirs of Tailzie to make Payment of an annual Rent during the Period of Twenty-five Years from the Date of the Death of the Heir of Entail who shall have executed the Improvements, such annual Rent not exceeding the Sum of Seven Pounds Two Shillings for every One hundred Pounds of such Three Fourth Parts aforesaid, and so in proportion for any greater or less Sum, and such annual Rent being payable half-yearly by equal Moieties at the Terms of *Whitsunday* and *Martinmas*, beginning the first Term's Payment, notwithstanding the Date of such Bond of annual Rent, at the first Term of *Whitsunday* or *Martinmas* after the Date of the Death of the Heir of Entail who shall have executed the Improvements, for the Proportion of annual Rent then due, with legal Interest, and Penalties in case of Failure, which Bond such Heir of Entail in possession shall be bound to execute accordingly at the Sight of the Court: Provided always, that the Heir of Entail in possession required to grant and granting such Bond shall be entitled to impute towards Payment of the Sums thereby due any Excess of Sums which may have been paid by or recovered from him in Payment of the said Improvement Debt beyond the Amount of annual Rents due from and after the Decease of the Heir who shall have executed such Improvements.

Executor may call on Heir in possession to grant Bond of annual Rent.

XVI. And

Proceedings
where Improve-
ments not exe-
cuted in Terms
of 10 G. 3.

XVI. And be it enacted, That where an Heir of Entail in possession of any entailed Estate holden by virtue of any Tailzie dated prior to the said First Day of *August* One thousand eight hundred and forty-eight shall, whether prior or subsequent to the passing of this Act, have executed Improvements on such Estate of the Nature of the Improvements contemplated by the said last-recited Act, but shall not have obtained Decree therefor in Terms of the said Act, by reason of the Provisions thereof not having been adopted or not having been duly complied with, it shall be lawful for such Heir to apply by summary Petition to the Court in manner herein-after provided, setting forth such Improvements, and the Amount of Money, not exceeding the Amount authorized by the said Act, expended thereon, and praying the Court for Authority to grant Bond of annual Rent as is herein-before provided in the Case of Improvements for which Decree in Terms of the said Act has been obtained; and the Court shall, after such Proceedings as they may think fit to direct or to adopt, proceed to consider such Application, and to take such Evidence, and institute such Inquiry into the Facts alleged in such Petition, as they shall judge necessary; and if it shall appear to the Court that such Improvements are of the Nature contemplated by the said Act, and that such Expenditure was *bonâ fide* made, they shall find accordingly, and shall also grant Warrant for Execution of a Bond of annual Rent as herein provided in the Cases of Improvements for which Decree in Terms of the said Act has been obtained.

No Adjudica-
tion for annual
Rent.

Annual Rent,
how to be
recovered.

Annual Rent to
be kept down.

XVII. And be it enacted, That so long as any entailed Estate remains subject to the Tailzie thereof, or is not liable to be disentailed by the Heir of Entail in possession without the Consent of any other Party, no Bond of annual Rent to be granted under the Authority of this Act shall be made the Ground of Adjudication or Eviction of such entailed Estate or any Part thereof; and the annual Rents contained in such Bond shall be recoverable as accords of Law from and out of the Rents and Profits of such entailed Estate, and from the Heir in possession thereof for the Time being: Provided always, that the Heir in possession of any such entailed Estate, and the Heirs substitute to him, shall be bound, each during his own Possession, yearly and each Year to pay and keep down such annual Rents accruing during their respective Possessions of such entailed Estate; and no Remedy shall be competent to the Creditor in such Bond of annual Rent against the Rents and Profits of the said Estate for any Arrears beyond Two Years annual Rent, and Interest thereon, and corresponding Penalties; without Prejudice to his Remedy for such Arrears against the Heirs in possession respectively bound to pay and keep down the same, and against the Representatives of such Heirs, and the separate Estates of such Heirs, including the Rents of such entailed Estate during their respective Periods of Possession.

XVIII. And

XVIII. And be it enacted, That in all Cases in which it may be competent for an Heir of Entail in possession of an entailed Estate in *Scotland*, or in which such Heir of Entail may be called upon to grant a Bond of annual Rent in Terms of this Act, it shall be lawful for such Heir of Entail, and such Heir of Entail may be called upon, to charge under the Authority of the Court of Session, as after mentioned, the Fee and Rents of such Estate other than the Mansion House, Offices, and Policies thereof, or the Fee and Rents of any Portion of such Estate other than as aforesaid, with Two Third Parts of the Sum on which the Amount of such Bond of annual Rent if granted would be calculated in Terms of this Act, by granting, in favour of any Creditor who may advance the Amount of such Two Third Parts, Bond and Disposition in Security over such Estate or any Portion thereof other than as aforesaid for such Amount, with the due and legal Interest thereof from the Date of such Advance till repaid, and with corresponding Penalties; and such Bond and Disposition in Security may be in the like Form, and shall have the like Effect and Operation, and be subject to the like Conditions and Provisions as to keeping down Interest, and as to the Extent of Remedy against the Fee and Rents of the entailed Estate, and otherwise, as are herein-after made and provided in regard to Bonds and Dispositions in Security by this Act authorized to be granted in respect of Provisions to younger Children.

Heir of Entail may charge Estates by granting Bond and Disposition in Security.

XIX. And be it enacted, That the granting under the Authority of this Act of any Bond of annual Rent, or Bond and Disposition in Security, in respect of any Improvements executed or to be executed on an entailed Estate in *Scotland*, shall operate as a Discharge of all Claims for or on account of such Improvements, against such Estate, and the Rents and Profits thereof, and the Heirs of Entail succeeding thereto, save and except the Claims under such Bond of annual Rent or Bond and Disposition in Security themselves.

Bonds of annual Rent or of Dispositions in Security for Improvements to operate as Discharges.

XX. And be it enacted, That private Roads which shall from and after the First Day of *August* One thousand eight hundred and forty-eight be made through any entailed Estate, or by way of immediate Access thereto, may be deemed to be Improvements falling under the said recited Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Third and also under this Act, in the same Way and Manner in all respects as inclosing, planting, and draining.

Private Roads to be deemed Improvements under 10 G. 3. c. 51. and under this Act.

XXI. And be it enacted, That in all Cases where an Heir of Entail in possession of an entailed Estate in *Scotland* shall be liable to pay or to provide by Assignation of the Rents and Proceeds of such Estate for any Sum or Sums of Money granted by any former Heir of Entail by way of Provisions to younger Children, in Terms of the said recited Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, or in virtue of the Powers to that Effect contained in any Deed of Entail under which the Heir of Entail in possession holds, and

Provisions to younger Children may be made Charges upon the entailed Estate.

in

in all Cases where any Heir of Entail in possession as aforesaid shall in the Marriage Contract of his younger Child have validly granted Provision for such younger Child out of the Rents and Proceeds of such entailed Estate, in Terms of the said recited Act, or in Terms of such Deed of Entail, it shall be lawful for such Heir of Entail in possession to charge the Fee and Rents of such Estate other than the Mansion House, Offices, and Policies thereof, or to charge the Fee and Rents of any Portion of such Estate other than as aforesaid, with the Amount of such Provisions, by granting Bond and Disposition in Security over such Estate, or such Portion thereof other than as aforesaid, for such Amount, with the due and legal Interest thereof from the Date of such Bond and Disposition in Security, or any subsequent Date, till repaid, and with corresponding Penalties; and such Bond and Disposition in Security may be in ordinary Form, binding the Granter and his Heirs of Entail in their Order successively to repay the Principal Sum therein, with Interest and Penalties as aforesaid, and may contain all Clauses usual in Bonds and Dispositions in Security granted over Estates in *Scotland* held in Fee Simple.

Heir in possession to keep down the Interest on Provisions to Children.

XXII. And be it enacted, That such Heir of Entail in possession, and the Heirs substitute to him in their Order successively, shall be bound, each during his own Possession of such Estate, yearly and each Year, to pay and keep down the Interest on such Bonds and Dispositions in Security accruing during their Possession respectively of such entailed Estate; and the Remedy competent to the Creditor against the Fee and Rents of such Estate on such Bonds and Dispositions in Security shall be limited to the Principal Sum therein contained, with Two Years Interest thereon, and corresponding Penalties; without Prejudice to the Remedy of the Creditor for any further Arrears of Interest against the Heir or Heirs in possession bound to pay and keep down the same, and against his or their Representatives, or his or their separate Estate or Estates, including the Rents of the said entailed Estate during his or their Possession of the same.

Provisions to Children not to be charged without Authority of Court.

XXIII. And be it enacted, That no Heir of Entail in possession of an entailed Estate shall charge the same under this Act with any Provision to any younger Child or Children until he shall have applied for and obtained the Authority of the Court thereto in the Form and Manner herein-after provided; and such Application to the Court shall set forth in a Schedule to be annexed thereto the specific Portion of the Estate which it is proposed to include in such Bonds and Dispositions in Security.

Power to grant Feus or long Leases.

XXIV. And be it enacted, That, notwithstanding any prohibitory, irritant, and resolute Clauses, or any Limitation by way of Maximum or Minimum of the Extent of Ground to be feued or to be granted in each separate Feu, contained in any Tailzie dated prior to the First Day of *August* One thousand eight hundred and forty-eight, it shall be lawful for an Heir of Entail in possession of an entailed Estate in *Scotland*, upon Notice

Notice to the Heir of Entail next entitled to succeed to such Estate immediately after such Heir of Entail in possession, with the Approbation of the Court, to be obtained in the Form and Manner herein-after provided, to grant Feus or long Leases of any Part of the said entailed Estate for the highest Feu Duty or Rent that can be got for the same, such Feus or long Leases so granted by him not exceeding in all One Eighth Part in Value for the Time of such Estate; provided always, that it shall not be lawful for such Heir to take any Grassum or Fine or valuable Consideration other than the Tack Duty or Rent for granting any such Feu or Lease, nor to grant any such Feu or Lease of the Mansion House, Offices, or Policies of the Estate; and such Heir shall be entitled to make, at the Sight of the Court, all such Feu Charters or other Feu Rights, or Tacks or Leases, as shall be necessary; and in case any such Grassum, Fine, or Consideration shall be taken, and in case any Feu or Lease hereby prohibited shall be granted, such Feu or Lease shall be null and void; but nothing herein contained shall prevent or be construed to prevent any Heir of Entail in possession from exercising any Power of granting Feus or Leases which may be contained in the Tailzie under which he possesses, more extensive than the Power of granting Feu or Leases hereby conferred.

XXV. And be it enacted, That in all Cases in which it is made competent by this Act for any Heir of Entail in possession of an entailed Estate in *Scotland* to charge the same with Debt, by granting Bonds and Dispositions in Security therefor over such Estate, freed from all the Clauses prohibitory, irritant, and resolute contained in the Tailzie in virtue whereof such Estate is holden, and also in all Cases in which such Charge is made competent by any Act of Parliament, but no Power of Sale granted to the Heir of Entail, and in all Cases in which the Fee of an entailed Estate is validly charged with Debt, it shall be lawful for the Heir of Entail in possession for the Time being to sell and dispose of any Portion or Portions of such Estate, other than the Mansion House, Offices, and Policies thereof, which may be necessary, and which the Court of Session may select as most suitable and proper to be sold and disposed of for the Purpose of paying off the Debt in respect of which such Charge has been or might be competently made; and it shall be lawful for such Heir of Entail in possession to grant, at the Sight and under Authority of the Court, valid and effectual Dispositions in Fee Simple in ordinary Form of such Portion or Portions of the said Estate, to the Purchaser thereof, and his Heirs or Assignees; and the Price to be obtained for the Portion or Portions of the Estate to be so sold shall be previously approved of by the Court, and shall be paid into Court, under the Application for Sale, by the Purchaser, who shall by such Payment be fully discharged of such Price, and have no Interest, Concern, or Responsibility as to the Application thereof; and such Price shall be applied, at the Sight of the Court, in or towards Payment or Extinction of the

Where entailed Estate may be charged with Debt, Estate may be sold for Payment thereof.

in all Cases where any Heir of Entail in possession as aforesaid shall in the Marriage Contract of his younger Child have validly granted Provision for such younger Child out of the Rents and Proceeds of such entailed Estate, in Terms of the said recited Act, or in Terms of such Deed of Entail, it shall be lawful for such Heir of Entail in possession to charge the Fee and Rents of such Estate other than the Mansion House, Offices, and Policies thereof, or to charge the Fee and Rents of any Portion of such Estate other than as aforesaid, with the Amount of such Provisions, by granting Bond and Disposition in Security over such Estate, or such Portion thereof other than as aforesaid, for such Amount, with the due and legal Interest thereof from the Date of such Bond and Disposition in Security, or any subsequent Date, till repaid, and with corresponding Penalties; and such Bond and Disposition in Security may be in ordinary Form, binding the Granter and his Heirs of Entail in their Order successively to repay the Principal Sum therein, with Interest and Penalties as aforesaid, and may contain all Clauses usual in Bonds and Dispositions in Security granted over Estates in *Scotland* held in Fee Simple.

Heir in possession to keep down the Interest on Provisions to Children.

XXII. And be it enacted, That such Heir of Entail in possession, and the Heirs substitute to him in their Order successively, shall be bound, each during his own Possession of such Estate, yearly and each Year, to pay and keep down the Interest on such Bonds and Dispositions in Security accruing during their Possession respectively of such entailed Estate; and the Remedy competent to the Creditor against the Fee and Rents of such Estate on such Bonds and Dispositions in Security shall be limited to the Principal Sum therein contained, with Two Years Interest thereon, and corresponding Penalties; without Prejudice to the Remedy of the Creditor for any further Arrears of Interest against the Heir or Heirs in possession bound to pay and keep down the same, and against his or their Representatives, or his or their separate Estate or Estates, including the Rents of the said entailed Estate during his or their Possession of the same.

Provisions to Children not to be charged without Authority of Court.

XXIII. And be it enacted, That no Heir of Entail in possession of an entailed Estate shall charge the same under this Act with any Provision to any younger Child or Children until he shall have applied for and obtained the Authority of the Court thereto in the Form and Manner herein-after provided; and such Application to the Court shall set forth in a Schedule to be annexed thereto the specific Portion of the Estate which it is proposed to include in such Bonds and Dispositions in Security.

Power to grant Feus or long Leases.

XXIV. And be it enacted, That, notwithstanding any prohibitory, irritant, and resolute Clauses, or any Limitation by way of Maximum or Minimum of the Extent of Ground to be feued or to be granted in each separate Feu, contained in any Tailzie dated prior to the First Day of *August* One thousand eight hundred and forty-eight, it shall be lawful for an Heir of Entail in possession of an entailed Estate in *Scotland*, upon Notice

Notice to the Heir of Entail next entitled to succeed to such Estate immediately after such Heir of Entail in possession, with the Approbation of the Court, to be obtained in the Form and Manner herein-after provided, to grant Feus or long Leases of any Part of the said entailed Estate for the highest Feu Duty or Rent that can be got for the same, such Feus or long Leases so granted by him not exceeding in all One Eighth Part in Value for the Time of such Estate; provided always, that it shall not be lawful for such Heir to take any Grassum or Fine or valuable Consideration other than the Tack Duty or Rent for granting any such Feu or Lease, nor to grant any such Feu or Lease of the Mansion House, Offices, or Policies of the Estate; and such Heir shall be entitled to make, at the Sight of the Court, all such Feu Charters or other Feu Rights, or Tacks or Leases, as shall be necessary; and in case any such Grassum, Fine, or Consideration shall be taken, and in case any Feu or Lease hereby prohibited shall be granted, such Feu or Lease shall be null and void; but nothing herein contained shall prevent or be construed to prevent any Heir of Entail in possession from exercising any Power of granting Feus or Leases which may be contained in the Tailzie under which he possesses, more extensive than the Power of granting Feu or Leases hereby conferred.

XXV. And be it enacted, That in all Cases in which it is made competent by this Act for any Heir of Entail in possession of an entailed Estate in *Scotland* to charge the same with Debt, by granting Bonds and Dispositions in Security therefor over such Estate, freed from all the Clauses prohibitory, irritant, and resolute contained in the Tailzie in virtue whereof such Estate is holden, and also in all Cases in which such Charge is made competent by any Act of Parliament, but no Power of Sale granted to the Heir of Entail, and in all Cases in which the Fee of an entailed Estate is validly charged with Debt, it shall be lawful for the Heir of Entail in possession for the Time being to sell and dispose of any Portion or Portions of such Estate, other than the Mansion House, Offices, and Policies thereof, which may be necessary, and which the Court of Session may select as most suitable and proper to be sold and disposed of for the Purpose of paying off the Debt in respect of which such Charge has been or might be competently made; and it shall be lawful for such Heir of Entail in possession to grant, at the Sight and under Authority of the Court, valid and effectual Dispositions in Fee Simple in ordinary Form of such Portion or Portions of the said Estate, to the Purchaser thereof, and his Heirs or Assignees; and the Price to be obtained for the Portion or Portions of the Estate to be so sold shall be previously approved of by the Court, and shall be paid into Court, under the Application for Sale, by the Purchaser, who shall by such Payment be fully discharged of such Price, and have no Interest, Concern, or Responsibility as to the Application thereof; and such Price shall be applied, at the Sight of the Court, in or towards Payment or Extinction of the

Where entailed Estate may be charged with Debt, Estate may be sold for Payment thereof.

the said Debt; and the Surplus of such Price remaining after Payment of the said Debt, and of the Expenses attending the Application for Sale and Procedure thereon, shall, if more than Two hundred Pounds, be invested in other Lands or Heritages, to be added to the Remainder of such entailed Estate, or be laid out and expended in or towards Payment of Entailer's Debts, or in or towards Payment of any Money charged on the Fee of such entailed Estate under this or any other Act, or in Redemption of the Land Tax affecting such entailed Estate, or in permanently improving the same, or in Repayment of Money already expended in such Improvements, as may be deemed most advisable; and if such Surplus shall be invested in other Lands or Heritages, to be added to the Remainder of such entailed Estate, the Tailzie of such other Lands or Heritages shall, whatever be its actual Date, be taken to be of equal Date with the Tailzie of the Remainder of such entailed Estate; and if such Surplus be less than Two hundred Pounds, the same shall be paid to the Heir of Entail in possession of such entailed Estate for the Time, for his own Use and Behoof, all at the Sight and under the Direction of the Court of Session.

Money arising from Sale of Estate, and Trust Money, may be applied in Payment of Entailer's Debts, &c.

XXVI. And be it enacted, That in all Cases where Money has been derived or may hereafter be derived from the Sale or Disposal of any Portion of an entailed Estate in *Scotland*, or of any Right or Interest in or concerning the same, or in respect of any permanent Damage done to such Estate, under any private or other Act of Parliament, or where any Money has been invested in trust for the Purpose of purchasing Lands to be settled upon the Series of Heirs entitled to succeed to such entailed Estate, and where such Money would fall to be invested in Lands or Heritages to be entailed on the same Series of Heirs as are called to the Succession of such entailed Estate by the Tailzie thereof, and under the same Prohibitions, Conditions, Restrictions, and Limitations as are contained in such Tailzie, and where the Heir in possession of such entailed Estate could by virtue of this Act, acquire to himself such Estate in Fee Simple by executing and recording an Instrument of Disentail as aforesaid, it shall be lawful for such Heir to make summary Application to the Court, in manner herein-after provided, for Warrant and Authority, and the Court upon such Application shall have Power to grant Warrant and Authority to and in favour of such Heir of Entail, for Payment to such Heir of such Sums of Money, as belonging to himself in Fee Simple; but if such Heir of Entail shall not be entitled to acquire such Estate in Fee Simple, then it shall be lawful for such Heir, with the Approbation of the Court, to lay out such Money or any Portion thereof in or towards Payment of Entailer's Debts, or in or towards Payment of any Money charged on the Fee of such entailed Estate under this or any other Act, or in Redemption of the Land Tax affecting such entailed Estate, or in permanently improving the same, or in Repayment of Money already expended in such Improvements; and in such Case such Heir shall apply summarily to the Court in manner herein-

after

after provided, setting forth the Amount of the Sums proposed to be laid out, and the special Purpose to which it is intended to apply the same; and if the Court shall be satisfied of the Propriety of the proposed Application they shall issue a Finding or Decree to that Effect, and authorizing such Application; and it shall thereafter be lawful for the Heir so applying to lay out such Money or any Part thereof, according as the Court shall have authorized the Application of the same, to all or any of the before-mentioned Purposes; and if there shall be any Surplus of such Money after the Purposes authorized by the Decree of the Court shall be fulfilled, the same shall, if more than Two hundred Pounds, be applied as the whole Money would have been applied but for the Provisions of this Act, and if less than Two hundred Pounds shall be paid to the Heir of Entail in possession of such entailed Estate for the Time, for his own Use and Behoof.

XXVII. And be it enacted, That where any Money or other Property, Real or Personal, has been or shall be invested in trust for the Purpose of purchasing Land to be entailed, or where any Land is or shall be directed to be entailed, but the Direction has not been carried into effect, it shall be lawful for the Party who, if the Land had been entailed in Terms of the Trust, would be the Heir in possession of the entailed Land, and who in that Case might by virtue of this Act have acquired to himself such Land in Fee Simple by executing and recording an Instrument of Disentail as aforesaid, to make summary Application to the Court, as herein-after provided, for Warrant and Authority for the Payment to him of such Money, or for the Conveyance to him of such Land in Fee Simple; and the Court shall, upon such Application, and with such Consents, if any, as would have been required to the Acquisition of such Land in Fee Simple, have Power to grant such Warrant and Authority.

Money vested in trust for the Purchase of Land to be entailed may be dealt with as if it were the entailed Land.

XXVIII. And be it enacted, That for the Purposes of this Act the Date at which the Act of Parliament, Deed, or Writing placing such Money or other Property under trust, or directing such Land to be entailed, first came into operation shall be held to be the Date at which the Land should have been entailed in Terms of the Trust, and shall also be held to be the Date of any Entail to be made hereafter in execution of the Trust, whatever be the actual Date of such Entail.

Date of Act of Parliament, &c. directing Entail deemed to be the Date at which Land should have been entailed.

XXIX. And be it enacted, That where any Money or other Property, Real or Personal, has prior to the First Day of August One thousand eight hundred and forty-eight been invested in trust for the Purpose of purchasing Land to be entailed, or where any Land has prior to the said Date been directed to be entailed, but the Direction has not been carried into effect, it shall be lawful for the Party who, if the Land had been entailed in Terms of the Trust, would be the Heir in possession of the entailed Land for the Time, to grant Provisions in favour of his or her Husband or Wife and younger Children out of such Money or other Property, or out of such

Provisions to Wives and Children may be granted out of Money vested in trust for the Purchase of Lands to be entailed.

Land, as the Case may be, of such and the like Amount and Extent as he or she would have been entitled to grant out of the Land if entailed, and if subject to the Provisions and Enactments of the said recited Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth.

Creditor not to sell Land in excess of what is necessary to pay Debt affecting the Estate, and Re-investment of Surplus.

XXX. And be it enacted, That no Creditor acting under Powers of Sale contained in any Bond or Disposition in Security or other Deed of Security affecting any entailed Estate in *Scotland*, by virtue of this or any other Act, shall be entitled to sell such entailed Estate, or any Portion or Portions thereof, in manifest Excess of what is necessary or proper in order to Payment and Extinction of the Debt, Principal and Interest, and whole Expenses appertaining thereto, for which such Sale is made; and any Judgment of the Court of Session pronounced in any Suspension of any such intended Sale on the Ground of manifest Excess shall be final, and not subject to Appeal; and wherever upon a Sale of such entailed Estate or of any Portion or Portions thereof by such Creditor acting under such Powers as aforesaid there shall arise a Surplus of the Price after Payment of such Debt, Principal and Interest, and whole Expenses effecting thereto, such Creditor shall only be entitled to Payment from the Purchaser of the Amount of such Debt, Principal and Interest, and whole Expenses effecting thereto; and such Creditor and Purchaser shall be bound forthwith to present or cause to be presented an Application to the Court, setting forth such Surplus, and praying for the Reinvestment thereof in other Lands or Heritages, to be entailed, at the Sight of the Court, on the same Series of Heirs, and, as far as may be, in the same Terms, and subject to the same Prohibitions, Conditions, Restrictions, Limitations, and Clauses irritant and resolute as are contained in the Tailzie under which the Estate or the Portion or Portions thereof so sold was or were holden previous to such Sale, or for the Disposal of such Surplus in such other Manner as the Court may direct consistently with the Provisions of this Act; and on such Application being presented the Court shall ordain the Petitioner, or other Party in whose Hands the admitted Surplus may be, to pay the same into Bank, and to produce a Receipt therefor taken, payable as the Court may direct, and shall also appoint such Intimation and Advertisement of the Application as they may deem proper; and it shall be competent to the Court under such Application to ascertain and determine the just Amount of such Surplus, and to give Decree for the same, and to exonerate and discharge the Creditor and Purchaser and all others thereof, and also, if such Surplus shall exceed Two hundred Pounds, to see to the Reinvestment thereof in other Lands or Heritages, and to the entailing of such Lands or Heritages as aforesaid, or to the Disposal of such Surplus in such other Way and Manner as may be consistent with the Provisions of this Act, and as may appear to the Court to be suitable and proper; and if such Surplus shall be reinvested in other Lands or Heritages as aforesaid the Tailzie of such other

Lands

Lands or Heritages shall, whatever be its actual Date, be taken to be of equal Date with the Tailzie of the Remainder of such entailed Estate; and if such Surplus shall not exceed Two hundred Pounds the Court shall order the same to be paid over to the Heir of Entail in possession, for his own Use and Behoof.

XXXI. And be it enacted, That, unless where inconsistent with any other Provisions of this Act, it shall be competent for the Court of Session, where any Heir of Entail whose Consent is required under this Act shall be under Age, or subject to any legal Incapacity, to appoint, in the course of any Application to which such Consent is required, a separate Tutor ad litem, or Curator ad litem, or Curator bonis, or other Guardian, to each such Party; and such Tutor ad litem, or Curator ad litem, or Curator bonis, or other Guardian, being so appointed by the Court, shall be charged with the Interest of such Party in reference to such Application, and shall be entitled, with or without Consideration, to act and to give Consent on the Behalf of such Party; and no Tutor or Curator or other legal Guardian who may give any Consent under this Act on behalf of any Heir Substitute shall incur any Responsibility on account of such Consent in respect of any alleged Error in Judgment, or Inadequacy of Consideration, or Want of Consideration therefor, unless it shall also be alleged and proved that he acted corruptly in the Matter; and such Consent by such Tutor or Curator or other legal Guardian shall be in all respects as effectual as if the same had been given by such Heir himself when of full Age and of legal Capacity to act in his own Affairs: Provided always, that no Heir of Entail in possession of an entailed Estate in Scotland, or whose own Consent shall be required in the Application, shall be entitled to give Consent on the Behalf of any other Party in reference to any Application for Disentail of such Estate.

Guardians may
consent for
Minors.

XXXII. And be it enacted, That an Instrument of Disentail under this Act may be in the Form or as nearly as may be in the Form set forth in the Schedule to this Act annexed, and it shall be the Duty of the Keeper of the Register of Tailzies for the Time being to record such Instrument, when duly presented, under Authority of the Court for that Purpose, in the Register of Tailzies along with the Decree of Court on which it proceeds, upon Payment of such Fee for the same as may be fixed by the Court by Act of Sederunt; and such Instrument, when duly executed, and recorded in the Register of Tailzies, under Authority of the Court, in Terms of this Act, shall have the Effect of absolutely freeing, relieving, and disencumbering the entailed Estate to which such Instrument applies, and the Heir of Entail in possession of the same, and his Successors, of all the Prohibitions, Conditions, Restrictions, Limitations, and Clauses irritant and resolute of the Tailzie under which such Estate is held, and of entitling such Heir in possession to alter the Course of Succession prescribed by such Tailzie, and to alienate and dispoise such Estate, onerously or gratuitously,

Form and
Effect of In-
strument of
Disentail, and
Registration
thereof.

and to burden the same with Debt, and to do any other Act or Deed in relation thereto competent by Law to any absolute Proprietor in Fee Simple: Provided always, that such Instrument of Disentail shall in no way defeat or affect injuriously any Charges, Burdens, or Incumbrances, or Rights or Interests, of whatsoever Kind or Description, held by Third Parties, and lawfully affecting the Fee or Rents of such Estate, or such Heir in possession or his Successors, other than the Rights and Interests of the Heirs Substitute of Entail in or through the Tailzie under which such Estate is held, but that all such Charges, Burdens, and Incumbrances, and Rights and Interests, other than as aforesaid, shall remain at least as valid and operative in all respects as if no such Instrument of Disentail had been executed or recorded.

Applications to
the Court.

XXXIII. And be it enacted, That it shall be lawful for any Heir of Entail in possession of an entailed Estate in *Scotland*, desiring to take advantage of any of the Provisions of this Act as to which the Authority of the Court is by this Act required, to make Application to that Effect by way of summary Petition to the Court, and such Petition shall set forth the Tailzie under which such Estate is held, and the Date of the Petitioner's Infestment therein, if any be, and the Names, Designations, and Places of Abode, so far as known to the Petitioner, of the Heirs Substitute of Entail (if any) whose Consents are required to such Petition, and whether such Heirs Substitute are of Age to consent on their own Behalf, and if not then the Names, Designations, and Places of Abode of their Fathers, or Tutors or Curators or other legal Guardians, and if such Heirs Substitute or any of them are the Children of such Heir of Entail in possession himself, and are Minors, or legally incapacitated to act in their own Affairs, the same shall be stated in such Petition, and such Petition shall also set forth specifically to what Extent and in what Way and Manner such Estate is proposed to be affected.

Intimation of
Petitions.

XXXIV. And be it enacted, That the Court, on any such Petition being presented to it in Terms of this Act, shall appoint Intimation thereof to be made in the Minute Book and on the Walls in common Form, and shall also appoint the same to be publicly advertised once in the *Edinburgh Gazette*, and at least once weekly for Six successive Weeks, or for any longer Period the Court shall deem fit, in such Newspaper or Newspapers as shall be appointed by the Court; and it shall be sufficient in such Advertisements to state the leading Name of such Lands by which the same are commonly known, without any detailed Description thereof.

Procedure in
Court

XXXV. And be it enacted, That after Intimation and Advertisement as aforesaid in Terms of such Deliverance of the Court it shall be competent to such Petitioner to move the Court to grant the Prayer of such Petition; and if the Procedure shall appear to the Court to be regular and proper, the Court shall interpose their Authority, and give Decree authorizing such Petitioner to do and perform the Act or Acts proposed

posed in such Petition, in so far as the same may appear to the Court to be permitted by this Act, or the Court shall do otherwise in reference to such Petition as may appear to them to be proper, and consistent with this Act: Provided always, that it shall be competent, at any Time before Decree is actually pronounced and extracted, for any Person or Persons having Interest to compear and object on any relevant Ground to the Prayer of such Petition; and in the event of such Objection being offered the Court shall investigate and dispose of the same by such Form of Procedure as may seem to the Court to be expedient and proper; and in all Applications presented under this Act it shall be competent to the Court to decern for Costs of Suit against the Parties to the Proceedings, or any of them, or to decern for Payment thereof out of the Estate or Fund to which such Applications respectively relate.

XXXVI. And be it enacted, That it shall not be necessary in any Proceedings under this Act to call as Parties thereto any Heirs of Entail other than those whose Consent would be required by the Heir in possession for the Time to an Instrument of Disentail; and no Heir of Entail other than those whose Consent would be required as aforesaid shall be entitled to appear or to be heard in such Proceedings.

Heirs to be called in Proceedings under this Act.

XXXVII. ' And whereas by the said recited Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth certain Powers to make Excambions are conferred upon Heirs of Entail, certain Notices being given to Heirs Substitute and others, and certain Advertisements made, and certain Procedure had before the Court of Session, all as in the said recited Act especially provided; and it is expedient to simplify the Mode of effecting Excambions under the said Act, and to diminish the Expense thereof; be it enacted, That from and after the passing of this Act it shall not be necessary for any Heir of Entail in possession intending to effect any Excambion under or by virtue of the said recited Act to adopt any of the Procedure thereby required, but it shall be competent to such Heir of Entail to present an Application to the Court by way of summary Petition in the Form and Manner provided by this Act, and the Court shall entertain, proceed with, and dispose of the same in every respect as if the Powers to effect Excambions conferred by the said recited Act had been contained in and conferred by this Act; and further, it shall not be necessary to record any Contract of Excambion which shall be executed at the Sight and with the Approbation of the Court, as required by the said recited Act, in any other Register than the Register of Tailzies.

Excambions under the Act 6 & 7 W. 4. c. 42. may be carried through under the Forms of this Act.

XXXVIII. And be it enacted, That any Instrument of Disentail recorded in the Register of Tailzies under the Authority of the Court, where the Judgment of the Court allowing such Instrument of Disentail has not been brought under Review of the House of Lords by Appeal, or where such Judgment has

Instruments of Disentail to be final.

not been brought under Reduction upon any relevant Ground during the Period within which such Judgment might have been appealed from, shall, as regards any Third Parties acting *bonâ fide* on the Faith thereof, be no longer reducible on any Ground of Irregularity or Noncompliance with the Provisions of this Act, but in respect of any such Ground of Challenge be final and conclusive.

In future Entail, irritant and resolute Clauses implied in Warrant to record.

XXXIX. And be it enacted, That in any Tailzie dated on or after the First Day of *August* One thousand eight hundred and forty-eight, containing an express Clause authorizing Registration in the Register of Tailzies, it shall not be necessary to insert any irritant or resolute Clauses in order to render such Tailzie effectual in Terms of an Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and eighty-five, intituled *Act concerning Tailzies*, but such Clause of Registration shall have in every respect the same Operation and Effect as the most formal irritant and resolute Clauses duly applied to every Prohibition, Condition, Restriction, and Limitation contained in such Tailzie, except only such Prohibitions, Conditions, Restrictions, and Limitations as by the Terms of such Tailzie may be specially excepted; and such Clause authorizing Registration in the Register of Tailzies shall be engrossed as Part of such Tailzie in the Register of Tailzies when such Tailzie is recorded therein, and shall also be inserted or duly referred to in all Procuratories of Resignation, Charters, Decrees of Special Service, Precepts, and Instruments of Seisin following on such Tailzie, in the same Manner, or as nearly as may be in the same Manner, as irritant and resolute Clauses are now required to be so inserted or referred to.

Irritancy not to affect Conveyances or Securities.

XL. And be it enacted, That no Irritancy committed or that may be committed by any Heir of Entail in possession of an entailed Estate in *Scotland* shall operate to set aside, impair, or in any way affect, directly or indirectly, in the Person of any Purchasers or *bonâ fide* onerous Creditors, any Conveyances, Deeds, or Securities granted in reference to such Estate, or the Rents thereof, prior to the Execution of the Summons of Declarator on which Decree in respect of such Irritancy shall proceed, and not invalid as being inconsistent with the Provisions of the Entail under which such Estate is held.

39 & 40 G. 3. applied to Heritable Property in Scotland.

XLI. ‘ And whereas an Act was passed in the Thirty-ninth and Fortieth Years of the Reign of His Majesty King George the Third, intituled *An Act to restrain all Trusts and Directions in Deeds or Wills whereby the Profits or Produce of Real or Personal Estate shall be accumulated, and the beneficial Enjoyment thereof postponed beyond the Time therein limited*, by which Act it is provided and enacted, “that nothing in this Act contained shall extend to any Disposition respecting Heritable Property within that Part of *Great Britain* called *Scotland* ;” and it is expedient that the Provisions of the said Act should be extended to Heritable Property in *Scotland* ;’ be it enacted, That the said Provision and Enactment of the said

said recited Act shall be and the same is hereby repealed, and the said Act shall in future apply to Heritable Property in Scotland.

XLII. And be it enacted, That all the Acts hereby permitted to be done by an Heir in possession of an entailed Estate, in virtue of the Deed of Entail under which such Estate is held, may be done by such Heir, whether such Deed of Entail be recorded in the Register of Tailzies or not, or whether such Heir be duly infeft in such Estate or not.

Proceedings may be taken under this Act, though Entail not recorded or Heir infeft.

XLIII. And be it enacted, That where any Tailzie shall not be valid and effectual in Terms of the said recited Act of the Scottish Parliament passed in the Year One thousand six hundred and eighty-five, in regard to the Prohibitions against Alienation and Contraction of Debt, and Alteration of the Order of Succession in consequence of Defects either of the original Deed of Entail or of the Investiture following thereon, but shall be invalid and ineffectual as regards any one of such Prohibitions, then and in that Case such Tailzie shall be deemed and taken from and after the passing of this Act to be invalid and ineffectual as regards all the Prohibitions; and the Estate shall be subject to the Deeds and Debts of the Heir then in possession, and of his Successors, as they shall thereafter in Order take under such Tailzie; and no Action of Forfeiture shall be competent at the Instance of any Heir Substitute in such Tailzie against the Heir in possession under the same by reason of any Contravention of all or any of the Prohibitions; and where any Money or other Property, Real or Personal, has been or shall be invested in trust for the Purpose of purchasing Lands to be entailed, or where any Lands are or shall be directed to be entailed, but the Direction has not been carried into effect, such Trust Money or other Property, and such Lands, though still unentailed, may be dealt with under this Act in all respects as such Lands might have been dealt with if entailed in Terms of such Trust or Directions.

Entail defective in any one Prohibition to be bad as to all.

XLIV. And be it enacted, That it shall be lawful for and incumbent upon the Keepers of the Registers of Sasines of every County in which any Lands contained in any Instrument of Disentail are situated and of the Keepers of the General Register of Sasines at *Edinburgh* respectively to record any such Instrument of Disentail, and any Decree of the Court pronounced under this Act, when presented to them for that Purpose, on Payment of such Fees for the Registration thereof as may be fixed by the Court by Act of Sederunt.

Instruments of Disentail may be registered in the Registers of Sasines.

XLV. And be it enacted, That no Heir of Entail or other Person shall, by taking advantage of the Provisions of this Act, or by acting under the same, incur any Irritancy or Forfeiture under any Tailzie, anything in such Tailzie to the contrary notwithstanding; and no Disposition, or Bond and Disposition in Security, or Bond of annual Rent, or other Deed, Instrument, or Writing, granted under Authority of this Act, shall be held as any Contravention of or be in any way affected by any Prohibitions,

No Irritancy or Forfeiture to be incurred for anything done under this Act.

not been brought under Reduction upon any relevant Ground during the Period within which such Judgment might have been appealed from, shall, as regards any Third Parties acting *bonâ fide* on the Faith thereof, be no longer reducible on any Ground of Irregularity or Noncompliance with the Provisions of this Act, but in respect of any such Ground of Challenge be final and conclusive.

In future Entail, irritant and resolute Clauses implied in Warrant to record.

XXXIX. And be it enacted, That in any Tailzie dated on or after the First Day of *August* One thousand eight hundred and forty-eight, containing an express Clause authorizing Registration in the Register of Tailzies, it shall not be necessary to insert any irritant or resolute Clauses in order to render such Tailzie effectual in Terms of an Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and eighty-five, intituled *Act concerning Tailzies*, but such Clause of Registration shall have in every respect the same Operation and Effect as the most formal irritant and resolute Clauses duly applied to every Prohibition, Condition, Restriction, and Limitation contained in such Tailzie, except only such Prohibitions, Conditions, Restrictions, and Limitations as by the Terms of such Tailzie may be specially excepted; and such Clause authorizing Registration in the Register of Tailzies shall be engrossed as Part of such Tailzie in the Register of Tailzies when such Tailzie is recorded therein, and shall also be inserted or duly referred to in all Procuratories of Resignation, Charters, Decrees of Special Service, Precepts, and Instruments of Seisin following on such Tailzie, in the same Manner, or as nearly as may be in the same Manner, as irritant and resolute Clauses are now required to be so inserted or referred to.

Irritancy not to affect Conveyances or Securities.

XL. And be it enacted, That no Irritancy committed or that may be committed by any Heir of Entail in possession of an entailed Estate in *Scotland* shall operate to set aside, impair, or in any way affect, directly or indirectly, in the Person of any Purchasers or *bonâ fide* onerous Creditors, any Conveyances, Deeds, or Securities granted in reference to such Estate, or the Rents thereof, prior to the Execution of the Summons of Declarator on which Decree in respect of such Irritancy shall proceed, and not invalid as being inconsistent with the Provisions of the Entail under which such Estate is held.

39 & 40 G. 3. applied to Heritable Property in Scotland.

XLI. ‘ And whereas an Act was passed in the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third, intituled *An Act to restrain all Trusts and Directions in Deeds or Wills whereby the Profits or Produce of Real or Personal Estate shall be accumulated, and the beneficial Enjoyment thereof postponed beyond the Time therein limited*, by which Act it is provided and enacted, “that nothing in this Act contained shall extend to any Disposition respecting Heritable Property within that Part of *Great Britain* called *Scotland*,” and it is expedient that the Provisions of the said Act should be extended to Heritable Property in *Scotland*,” be it enacted, That the said Provision and Enactment of the

said

said recited Act shall be and the same is hereby repealed, and the said Act shall in future apply to Heritable Property in Scotland.

XLII. And be it enacted, That all the Acts hereby permitted to be done by an Heir in possession of an entailed Estate, in virtue of the Deed of Entail under which such Estate is held, may be done by such Heir, whether such Deed of Entail be recorded in the Register of Tailzies or not, or whether such Heir be duly infeft in such Estate or not.

Proceedings may be taken under this Act, though Entail not recorded or Heir infeft.

XLIII. And be it enacted, That where any Tailzie shall not be valid and effectual in Terms of the said recited Act of the *Scottish* Parliament passed in the Year One thousand six hundred and eighty-five, in regard to the Prohibitions against Alienation and Contraction of Debt, and Alteration of the Order of Succession in consequence of Defects either of the original Deed of Entail or of the Investiture following thereon, but shall be invalid and ineffectual as regards any one of such Prohibitions, then and in that Case such Tailzie shall be deemed and taken from and after the passing of this Act to be invalid and ineffectual as regards all the Prohibitions; and the Estate shall be subject to the Deeds and Debts of the Heir then in possession, and of his Successors, as they shall thereafter in Order take under such Tailzie; and no Action of Forfeiture shall be competent at the Instance of any Heir Substitute in such Tailzie against the Heir in possession under the same by reason of any Contravention of all or any of the Prohibitions; and where any Money or other Property, Real or Personal, has been or shall be invested in trust for the Purpose of purchasing Lands to be entailed, or where any Lands are or shall be directed to be entailed, but the Direction has not been carried into effect, such Trust Money or other Property; and such Lands, though still unentailed, may be dealt with under this Act in all respects as such Lands might have been dealt with if entailed in Terms of such Trust or Directions.

Entail defective in any one Prohibition to be bad as to all.

XLIV. And be it enacted, That it shall be lawful for and incumbent upon the Keepers of the Registers of Sasines of every County in which any Lands contained in any Instrument of Disentail are situated and of the Keepers of the General Register of Sasines at *Edinburgh* respectively to record any such Instrument of Disentail, and any Decree of the Court pronounced under this Act, when presented to them for that Purpose, on Payment of such Fees for the Registration thereof as may be fixed by the Court by Act of Sederunt.

Instruments of Disentail may be registered in the Registers of Sasines.

XLV. And be it enacted, That no Heir of Entail or other Person shall, by taking advantage of the Provisions of this Act, or by acting under the same, incur any Irritancy or Forfeiture under any Tailzie, anything in such Tailzie to the contrary notwithstanding; and no Disposition, or Bond and Disposition in Security, or Bond of annual Rent, or other Deed, Instrument, or Writing, granted under Authority of this Act, shall be held as any Contravention of or be in any way affected by any Prohibitions,

No Irritancy or Forfeiture to be incurred for anything done under this Act.

hibitions, Conditions, Restrictions, Limitations, or Clauses prohibitory, irritant, and resolute contained in any Tailzie.

Act 1685 to remain in force, except as affected by this Act.

Act not to be defeated by Trusts;

XLVI. And be it enacted, That the before-recited Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and eighty-five shall be and the same is hereby repealed, to the Effect of making the Provisions of this Act operative, but no further.

XLVII. And be it enacted, That where any Land or Estate in *Scotland* shall, by virtue of any Trust Disposition or Settlement or other Deed of Trust whatsoever dated on or after the First Day of *August* One thousand eight hundred and forty-eight, be in the lawful Possession, either directly or through any Trustees for his Behoof, of a Party of full Age born after the Date of such Trust Disposition or Settlement or other Deed of Trust, such Party shall not be in any way affected by any Prohibitions, Conditions, Restrictions, or Limitations which may be contained in such Trust Disposition or Settlement or other Deed of Trust, or by which the same or the Interest of such Party therein may bear to be qualified, such Prohibitions, Conditions, Restrictions, or Limitations being of the Nature of Prohibitions, Conditions, Restrictions, or Limitations of Entail, or intended to regulate the Succession of such Party, or to limit, restrict, or abridge his Possession or Enjoyment of such Land or Estate in favour of any future Heir, and such Party shall be deemed and taken to be the Fee Simple Proprietor of such Land or Estate, and it shall be lawful to such Party to make Application by way of summary Petition to the Court of Session, setting forth the Facts, and referring to this Act, and craving the Court to pronounce an Act and Decree declaring him Fee Simple Proprietor of such Land or Estate, and unaffected by any such Conditions, Provisions, Restrictions, or Limitations; and the Court shall proceed in such Petition as may be just, and shall have Power to pronounce an Act and Decree declaring such Party to be Fee Simple Proprietor of such Land or Estate, and unaffected as aforesaid; and such Act and Decree may be recorded in the Register of Sasines, and being so recorded shall have all the Operation and Effect of the most formal and valid Disposition to such Party, and his Heirs and Assignees whomsoever, of such Lands or Estate, with Infeftment thereon in favour of such Party duly recorded: Provided always, that the Rights of the Superior of such Lands or Estate, and of all Parties holding Securities thereon, and all Rights which are held independently of such Trust Disposition or Settlement or other Deed of Trust, shall be as they are hereby reserved entire.

or by Liferents;

XLVIII. And be it enacted, That from and after the passing of this Act it shall be competent to grant an Estate in *Scotland* limited to a Liferent Interest in favour only of a Party in Life at the Date of such Grant; and where any Land or Estate in *Scotland* shall, by virtue of any Deed dated on or after the said First Day of *August* One thousand eight hundred and forty-eight,

eight, be held in Liferent by a Party of full Age born after the Date of such Deed, such Party shall not be in any way affected by any Prohibitions, Conditions, Restrictions, or Limitations which may be contained in such Deed, or by which the same or the Interest of such Party therein may bear to be qualified, and such Party shall be deemed and taken to be the Fee Simple Proprietor of such Estate, and it shall be lawful to such Party to obtain and record an Act and Decree of the Court of Session in the like Form and Manner and in the like Terms and with the like Operation and Effect as is herein-before provided with reference to an Act and Decree of the said Court in the Case of Deeds of Trust: Provided always, that the Rights of the Superior of such Lands or Estate, and of all Parties holding Securities thereon, and all Rights which shall be held independently of the Deed by which such Liferent is constituted, shall be as they are hereby reserved entire.

XLIX. And be it enacted, That where any Land or Estate or by Leases. in Scotland shall, by virtue of any Tack, Assignment of Tack, or other Deed or Writing dated on or after the said First Day of August One thousand eight hundred and forty-eight, be held in Lease, either directly or through Trustees for his Behoof, by a Party of full Age born after the Date of such Tack, Assignment of Tack, or other Deed or Writing, such Party shall not be in any way affected by any Prohibitions, Conditions, Restrictions, or Limitations which may be contained in such Tack, Assignment of Tack, or other Deed or Writing, or by which the same or the Interest of such Party therein may be qualified, such Prohibitions, Conditions, Restrictions, or Limitations being of the Nature of Prohibitions, Conditions, Restrictions, or Limitations of Entail, or intended to regulate the Succession of such Party, or to limit, restrict, or abridge his Possession or Enjoyment of such Land or Estate in favour of any future Heir: Provided always, that it shall be lawful to the Proprietor of whom such Lease is held to enforce any Prohibitions, Conditions, Restrictions, or Limitations contained in such Tack, Assignment of Tack, or other Deed or Writing which shall have been inserted therein for the *bonâ fide* Purpose of protecting the just Rights and Interests of such Proprietor, in so far as such Enforcement may be necessary in order to such Protection.

L. And be it enacted, That all Consents of Heirs of Entail, or of their Tutors or Curators or other legal Guardians, under this Act, shall be in the Form of Writings duly tested according to the Law of Scotland, and otherwise in such Form as may be fixed by the Court of Session by Act of Sederunt; and no Consent duly given in the Manner provided by this Act shall be revocable by the Granter thereof. Consents to be in Writing and to be irrevocable.

LI. And be it enacted, That it shall be lawful to the Court to pass such Act or Acts of Sederunt as the Court may deem proper for the further Regulation of the Forms of Procedure under this Act, and otherwise for rendering this Act more effectual, according to the true Intent and Meaning hereof. Court may make Acts of Sederunt.

LII. And

CAP. XXXVIII.

An Act to authorize the *West India* Relief Commissioners to grant further Time for the Repayment of Monies advanced by them in certain Cases.

[14th August 1848.]

2 & 3 W. 4.
c. 125.

5 & 6 W. 4. c. 51.

3 & 4 Vict. c. 40.

‘ WHEREAS by an Act passed in the Session of Parlia-
 ‘ ment held in the Second and Third Years of the Reign
 ‘ of His late Majesty King *William* the Fourth, intituled *An*
 ‘ *Act for enabling His Majesty to direct the Issue of Exchequer*
 ‘ *Bills to a limited Amount for the Purposes and in manner*
 ‘ *therein mentioned, and for giving Relief to Trinidad, British*
 ‘ *Guiana, and Saint Lucie*, it was amongst other things enacted,
 ‘ that it should be lawful for the Commissioners thereby named
 ‘ and appointed, or other the Commissioners for the Time being
 ‘ acting in the Execution of the said Act, or any Three of them,
 ‘ to advance and lend Exchequer Bills to such Amount and in
 ‘ such Proportions as therein specified to the Owners of and
 ‘ Persons interested in Estates which had suffered Injuries from
 ‘ the Causes therein mentioned in the Islands of *Jamaica, Bar-*
 ‘ *badoes, Saint Vincent, and Saint Lucie*, and that the said
 ‘ Commissioners, or any Three of them, should take such Secu-
 ‘ rity or Securities as therein mentioned for the Repayment of
 ‘ any Advances or Loans made as therein mentioned at or before
 ‘ the Expiration of Ten Years from the Time of such Advances
 ‘ respectively, with Interest for the same in the meantime after
 ‘ the Rate of Four Pounds *per Centum per Annum*, such
 ‘ Interest to be paid in manner in the said Act mentioned:
 ‘ And whereas by an Act passed in the Session of Parliament
 ‘ held in the Fifth and Sixth Years of the Reign of His said
 ‘ late Majesty King *William* the Fourth, intituled *An Act for*
 ‘ *granting Relief to the Island of Dominica, and to amend an*
 ‘ *Act of the Second and Third Years of His present Majesty,*
 ‘ *for enabling His Majesty to direct the Issue of Exchequer Bills*
 ‘ *to a limited Amount for the Purposes therein mentioned*, it
 ‘ was among other things enacted, that it should be lawful for
 ‘ the Commissioners acting in the Execution of the said recited
 ‘ Act to advance Exchequer Bills to a certain Amount to the
 ‘ Owners of and Persons interested in the Estates and Pro-
 ‘ perty in the said Island of *Dominica* which had suffered
 ‘ Injury from the Causes therein mentioned, and that all such
 ‘ Advances should be made in the same Manner, and subject to
 ‘ the same Conditions, Provisions, and Restrictions, and on such
 ‘ Securities, and in all respects whatsoever, as was provided and
 ‘ directed by the said recited Act with regard to Advances to
 ‘ be made to Owners of and Persons interested in the Estates
 ‘ in the said Islands of *Jamaica, Barbadoes, Saint Vincent, and*
 ‘ *Saint Lucie*: And whereas by an Act passed in the Session
 ‘ of Parliament held in the Third and Fourth Years of the
 ‘ Reign of Her present Majesty, intituled *An Act to amend*
 ‘ *Two Acts of His late Majesty King William the Fourth, for*
 ‘ *the*

' *the Relief of certain of Her Majesty's Colonies and Plantations*
 ' *in the West Indies*, it was amongst other things enacted, that
 ' it should be lawful for the said Commissioners for the Time
 ' being acting in the Execution of the said recited Acts, or any
 ' Three of them, with such Consent as therein mentioned, to
 ' grant any Extension of the Time limited for the Repayment
 ' of any Loan which should have been or should be made under
 ' the Provisions of the said recited Acts, or any Part of such
 ' Loan, for any Period not exceeding Ten Years from the Day
 ' originally fixed for the Repayment thereof or the last In-
 ' stalment thereof, together with Interest for the same in the
 ' meantime after the Rate of Four Pounds *per Centum per*
 ' *Annum*, but so as every such Extension of Time were made
 ' in every Case on condition that the Loan should be paid by
 ' equal annual Instalments, not exceeding Ten in Number, and
 ' the first Instalment to be made at the End of One Year from
 ' the Expiration of the Time originally fixed for the Repayment
 ' of the said Loan or the last Instalment thereof, and so as no
 ' such Extension of Time were granted except on condition that
 ' an absolute Power of Sale were vested in Her Majesty, Her
 ' Heirs and Successors, of the Hereditaments and Premises
 ' charged with such Loan, in case Default should be made in
 ' Payment of any One of the said annual Instalments, or of
 ' any One Year's Interest on the said Loan, or such Part as
 ' should be due, or any Part thereof respectively, for Six
 ' Calendar Months after the same should be due: Provided
 ' always, that every Application for Extension of Time should
 ' be made not less than One Year before such Time or Times
 ' so limited as aforesaid should arrive: And whereas by an
 ' Act passed in the Seventh Year of the Reign of Her present
 ' Majesty, intituled *An Act for giving additional Powers to the* 7 & 8 Vict. c. 17.
 ' *Commissioners for the Relief of certain of Her Majesty's*
 ' *Colonies and Plantations in the West Indies*, it was amongst
 ' other things enacted, that any such Extension of Time as
 ' authorized by the last-recited Act might be granted at any
 ' Time thereafter, and without regard to the Period at which
 ' the Application for the granting thereof should be or should
 ' have been made, and notwithstanding the Time originally fixed
 ' for the Repayment of such Loan should have arrived: And
 ' whereas by an Act passed in the Session of Parliament held
 ' in the Eighth and Ninth Years of the Reign of Her present
 ' Majesty, intituled *An Act to facilitate the Recovery of Loans* 8 & 9 Vict. c. 50.
 ' *made by the West India Relief Commissioners*, it was enacted,
 ' that it should be lawful for the Commissioners for the Time
 ' being acting in the Execution of the said recited Acts or any
 ' of the said Acts, or any Person or Persons for the Time being
 ' acting under their Direction, or any Commissioners in Aid,
 ' appointed as by the said first-recited Act is mentioned, from
 ' Time to Time to make Sale of all or any Part of any Here-
 ' ditaments which had been or should be taken possession of
 ' by them or him for Nonpayment of any Principal or Interest
 ' in pursuance of the Provisions in that Behalf in the said first-
 ' recited

Where a Certificate for Extension of Time for Repayment of any Loan has been granted under recited Acts, Commissioners may forbear from compelling Payment of the same for Five Years.

Where no Certificate has been granted, Commissioners may, with Consent of Treasury, extend the Time for Repayment of Loans on certain Conditions.

‘ recited Act contained, and (as regards any Principal Monies
‘ due) whether Judgment should have been entered up or not,
‘ as by the said last-mentioned Act is provided: And whereas
‘ it is expedient that the said Commissioners should be em-
‘ powered to postpone for a further limited Period the Repay-
‘ ment of the Loans made by them under the said recited
‘ Acts, and whether any Extension of Time shall have been
‘ granted for the Repayment thereof or not:’ Be it therefore
enacted by the Queen’s most Excellent Majesty, by and with
the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
Authority of the same, That in any Case in which a Certificate
for Extension of the Time for Repayment of any Loan has been
granted under the said recited Acts before the passing of this
Act, it shall be lawful for the said Commissioners for the Time
being acting in the Execution of the said recited Acts, or any
Three of them, upon any Application made to them, provided
that all Interest due on such Loan has been then paid, to for-
bear from compelling Payment of any Instalments of Principal
Monies then due or thereafter to become due for Five Years
from the passing of this Act, so as that the Interest to accrue
due on the Principal Sum be paid yearly during the said Five
Years on the Day required by such Certificate for the Payment
of Interest; and after the Expiration of the said Five Years
all the Instalments of the Principal Monies which shall be in
arrear at the passing of this Act under the Terms and Provi-
sions of such Certificate of Extension, and all Interest thereon,
shall be thereupon paid, and in all respects as if such Forbear-
ance had not taken place; and all the Remainder of the said
Loan, if any, shall be paid by annual Instalments of the same
Amount, and with Interest, on the Day and in all respects as
is required by the Certificate for the Extension of Time for
the Repayment of such Loan as if this Act had not been passed,
except as regards the Years of Payment which will have been
postponed by reason of the said Instalments not having been
called for as aforesaid.

II. And be it enacted, That where no Certificate for the
Extension of Time for the Repayment of any such Loan as
aforesaid has been granted, it shall be lawful for the said Com-
missioners or any Three of them, with the Consent in Writing
of the Lord High Treasurer for the Time being, or of any
Three or more of the Commissioners of Her Majesty’s Treas-
ury for the Time being, to grant such Extension of Time as is
authorized by the said recited Acts, and upon the Terms and
Conditions therein mentioned, except that no Instalment of the
Principal of such Loan shall be made payable for Five Years
from the passing of this Act, and to grant a Certificate of Ex-
tension accordingly; provided that all Interest due on such
Loan shall have been then paid, and the Interest thereafter to
become due shall continue to be paid yearly; and such Exten-
sion shall be granted on condition that the said Principal
Monies shall by such Certificate of Extension be made payable
by

by annual or other Instalments, so as that, notwithstanding the Forbearance for Five Years as aforesaid, the whole Principal Sum shall be repaid within Fifteen Years from the Day originally fixed for the Repayment of the Loan or the last Instalment thereof.

III. Provided always, and be it enacted, That it shall not be necessary on the Grant of such Extension of Time to require any Grant or Assurance by any Person or Persons of such Power of Sale as is by the said Act of the Third and Fourth Years of Her present Majesty required, on the Grant of Extension of Time as therein mentioned, to be vested in Her Majesty, Her Heirs and Successors; but after the Issue of every Certificate of Extension to be granted under this Act, and without any further Grant or Assurance, a Power of Sale shall arise and may be exercised in the Events and in manner herein-after mentioned; and such Power of Sale shall have the same Priority and Effect as a Power of Sale granted under the said Act of the Third and Fourth Years of Her present Majesty.

Commissioners may dispense with the Grant of Power of Sale by Deed as required by 3 & 4 Vict. c. 40.

IV. And be it enacted, That in every Case in which a Certificate of Extension shall be granted under this Act, and Default shall be made for the Space of Six Calendar Months in Payment of all or any Part of any Instalment or Instalments of Principal or of any Interest at the Times and in manner appointed for Payment thereof respectively in and by the said recited Acts or this Act or such Certificate for Extension, it shall be lawful for the Commissioners for the Time being acting in execution of the said Acts, or any Three of them, or any Attorney or Attornies by them or any Three of them appointed for that Purpose by Deed under their Hands and Seals, or the Commissioners in Aid for the Time being acting under the said firstly and secondly recited Acts, or either of them, in or for any Island or Colony, (whether Judgment shall or shall not have been entered up as by the said first-recited Act is provided, and whether Possession shall or shall not have been taken under the Provisions of that Act,) to make Sale of all or any Part of the Hereditaments charged with such Principal and Interest: Provided always, that no such Sale shall be made as aforesaid unless for at least Three Calendar Months previously to such Sale there shall have been inserted in the *London Gazette*, and in such public Newspaper or Newspapers in the Colony where the Property shall be situate as the said Commissioners shall direct, a Notice of the Intention of the Commissioners to make such Sale; and any such Sale may be made at any Time after such Three Months Notice shall have been given, and may be made, subject to such special Conditions as to the Title, or the Deeds, Copies, or other Evidence to be produced, the Evidence relating to the Identity of the Property sold, and the Mode and Times of Payment of the Money, as the Persons hereby authorized to make such Sale may think fit; and any Contract for Sale may be altered or rescinded in such Manner as such Persons may think fit, and any Part of the Purchase Money may, in the Discretion of the said Commissioners, be

Certificate of Extension of Time under this Act to carry a Power of Sale.

left on the Security of all or any Part of the Hereditaments sold, or may be secured on any other Security, and such Securities shall be made to Her Majesty as by the said firstly-recited Act provided with reference to the Securities thereby required to be given previously to an Advance under that Act, and with such Powers and Priorities as by that Act is provided with reference to such last-mentioned Securities or otherwise as the said Commissioners may think fit; and the Receipts in Writing of the said Commissioners or any Three of them, or of such Attorney or Attornies as aforesaid, or of such Commissioners in Aid as aforesaid, for the Monies to arise from such Sales as aforesaid, shall be good and sufficient Discharges for the same; and the said Commissioners or any Three of them, or their said Attorney or Attornies, or such Commissioners in Aid, may make and execute valid and effectual Conveyances and Assurances of the Hereditaments so sold to any Purchaser or Purchasers, or as he, she, or they may direct; and a Recital of or Reference to the Certificate of Extension in any Deed or Instrument of Assurance executed under the Hands and Seals of the said Commissioners or any Three of them, or such Attorney or Attornies as aforesaid, or such Commissioners in Aid, shall be Evidence of the due Grant of such Certificate upon the Application and Acceptance of the Persons authorized to make such Application under this Act, and of the Power of Sale hereby given having become exerciseable over the Hereditaments comprised in such Deed or Instrument, and no Purchaser shall be bound to inquire whether any such Default as aforesaid has been made.

In default of Payment of Interest or Instalments of Principal the whole Loan and Interest to be recoverable.

V. Provided also, and be it enacted, That if Default shall be made in Payment of the Interest due at the passing of this Act, or thereafter to become due, or of any Instalments or Instalment of Principal or any Part thereof respectively at the Times and in manner appointed for Payment thereof in and by the said recited Acts or this Act, or the Certificates of Extension granted or to be granted, then the whole Principal Debt shall be considered as due, and may in the Discretion of the said Commissioners be recovered and recoverable by all or any of the Ways and Means by which the same might have been recovered if this Act had not been made, and no such Certificate had been granted under the Powers of the said recited Acts or this Act, or no such Forbearance as aforesaid had been exercised by the said Commissioners or by the Power of Sale hereby created.

Provisions of recited Acts to extend to this Act.

VI. And be it enacted, That all and every the several Clauses, Powers, Priorities, Provisions, Enactments, Penalties, and Restrictions in the said Acts contained, so far as the same are applicable, shall be taken to extend to this Act, and to every thing to be done in pursuance of this Act, and as if all such Clauses, Powers, Priorities, Provisions, and Enactments were herein repeated and set forth and made applicable to the Provisions of this Act.

VII. And

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

CAP. XXXIX.

An Act to facilitate the raising of Money by Corporate Bodies for building or repairing Prisons.

[14th August 1848.]

‘ WHEREAS by an Act passed in the Fifth and Sixth
 ‘ Years of Her present Majesty, intituled *An Act to* 5 & 6 Vict. c. 98.
 ‘ *amend the Laws concerning Prisons*, the Mayor, Aldermen,
 ‘ and Burgesses of Boroughs in which there shall be a separate
 ‘ Court of Sessions of the Peace are authorized and empowered
 ‘ by their Councils to take up and borrow Money for building
 ‘ or rebuilding, repairing or enlarging any Prison, Court House,
 ‘ or other necessary Buildings to be used therewith, and to secure
 ‘ the Repayment of such Money as therein mentioned: And
 ‘ whereas it is expedient that greater Facilities should be given
 ‘ to such Councils for raising and from Time to Time repaying
 ‘ Monies levied for the Purposes aforesaid: And whereas “ The
 ‘ Commissioners Clauses Act, 1847,” contains certain Clauses
 ‘ with respect to Mortgages executed by the Commissioners, and
 ‘ it would be attended with public Advantage if such Clauses
 ‘ were made applicable to Mortgages and Bonds executed by
 ‘ Councils of Boroughs under the Powers of the said Act re-
 ‘ lating to Prisons:’ Be it enacted by the Queen’s most Excellent
 Majesty, by and with the Advice and Consent of the Lords
 Spiritual and Temporal, and Commons, in this present Parlia-
 ment assembled, and by the Authority of the same, That the
 several Clauses in the said “ Commissioners Clauses Act, 1847,”
 contained with respect to Mortgages executed by the Commis-
 sioners, save as to such of the Provisions thereof as are or may
 be inconsistent with the Provisions of this Act, and save as herein-
 after excepted, shall be incorporated with and form Part of this
 Act, and shall be applicable to all Mortgages or Bonds which
 may at any Time have been or shall be granted under the Com-
 mon Seal of any Borough by virtue of the Provisions of the
 said recited Act “ to amend the Laws concerning Prisons.”

Clauses in
10 & 11 Vict.
c. 16. respecting
Mortgages ex-
tended to this
Act.

II. And be it enacted, That every thing which by “ The
 Commissioners Clauses Act, 1847,” is provided or required
 to be done, and all Powers which may be exercised by the
 Commissioners respecting any Mortgages of Rates or other
 Property, shall and may be lawfully done by the Council of
 any such Borough as aforesaid, with respect to Monies raised or
 to be raised under the Provisions of the said recited Act “ to
 amend the Laws respecting Prisons;” and every thing which by
 the said “ Commissioners Clauses Act, 1847,” is provided or
 required to be done in relation to the borrowing or raising
 Monies by the Clerk to the Commissioners shall and may be
 lawfully done by the Town Clerk of any such Borough.

Matters to be
done by the
Commissioners
and their Clerk
may be done by
Council and
Town Clerk.

Mortgagees
may enforce
Payment of
Arrears by
Receivers.

10 & 11 Vict.
c. 16. s. 84. as to
Sinking Fund
not to apply to
this Act.

Money raised
to pay off prior
Loans to be
paid off within
the original
Period of 30
Years.

Sinking Fund
to be provided.

Act may be
amended, &c.

III. And be it enacted, That the Mortgagees or Bondholders of the Corporation shall be empowered to enforce the Payment of the Arrears of Interest or of the Arrears of Principal and Interest due to them by the Appointment of a Receiver, in the same Manner as is directed by the said "Commissioners Clauses Act, 1847."

IV. And be it enacted, That the Eighty-fourth Clause in the said "Commissioners Clauses Act, 1847," which provides for the Repayment of Monies borrowed on the Security of Rates by a Sinking Fund within a limited Period, shall not apply to or be incorporated with this Act.

V. And be it enacted, That if the said Council shall at any Time borrow or take up at Interest any Sum of Money at a lower Rate of Interest than any Securities given by them and then in force shall bear, the Money so borrowed at a lower Rate of Interest shall be paid off within the Period of Thirty Years, to be calculated from the Time when the Money paid off was originally borrowed in the first Instance.

VI. And be it enacted, That in order to discharge the Principal Money borrowed, which the said Council are by the Provisions of the said recited Act "for amending the Laws concerning Prisons" required to pay off within the Term of Thirty Years, the said Council shall every Year appropriate and set apart a Sum equal to not less than Six Pounds and Ten Shillings *per Centum* on the Amount of every Sum so borrowed by them respectively, and shall apply such Sum from Time to Time, after Payment thereof of the Interest from Time to Time becoming due, as a Sinking Fund in paying off the respective Principal Monies so borrowed, and shall from Time to Time cause such Sinking Fund to be invested in the Purchase of Exchequer Bills or other Government Securities, and to be increased by Accumulation in the way of Compound Interest, or otherwise, until the same respectively shall be of sufficient Amount to pay off the Principal Debts respectively to which such Sinking Fund shall be applicable, or some Part thereof, which the said Council shall think ought to be then paid off, at which Time such accumulated Monies or an adequate Part thereof shall be so applied in paying off such Principal Debts in the Manner mentioned in the said "Commissioners Clauses Act, 1847."

VII. And be it enacted, That this Act may be amended or repealed by any Act in this Session of Parliament.

CAP. XL.

An Act to alter the Mode of assessing the Funds leviable in the County of *Inverness*, for making and maintaining certain Roads and Bridges and other Works in the Highlands of *Scotland*.

[14th August 1848.]

‘ WHEREAS an Act was passed in the Forty-third Year
‘ of the Reign of His Majesty King *George* the Third,
‘ intituled

' intituled *An Act for granting to His Majesty the Sum of* 43 G. 3. c. 80.
 ' *Twenty thousand Pounds, to be issued and applied towards*
 ' *making Roads and building Bridges in the Highlands of Scot-*
 ' *land, and for enabling the Proprietors of Land in Scotland to*
 ' *charge their Estates with a Proportion of the Expense of making*
 ' *and keeping in repair Roads and Bridges in the Highlands of*
 ' *Scotland, whereby the Sum of Twenty thousand Pounds was*
 ' *directed to be issued from His Majesty's Exchequer in Great*
 ' *Britain, to be paid and applied by the Commissioners thereby*
 ' *appointed in the making and erecting Roads and Bridges in*
 ' *the Highlands of Scotland; and the Commissioners of His*
 ' *Majesty's Treasury were authorized to direct a proper Person*
 ' *to make a Survey of the Roads and Bridges advisable to be*
 ' *made and erected, and to report thereon, with an Estimate*
 ' *of the Expense thereof; and such Survey, Report, and*
 ' *Estimate being referred to the Commissioners thereby ap-*
 ' *pointed, and approved of by them, the Roads and Bridges*
 ' *so surveyed and reported upon were to be made and erected*
 ' *in the Manner therein directed, and One Half of the Expense*
 ' *of making and erecting such Roads and Bridges was to be*
 ' *paid by Contributors, and One Half thereof by the Public:*
 ' *And whereas another Act was passed in the Fifty-ninth Year*
 ' *of the Reign of His said Majesty, intituled An Act to repeal* 59 G. 3. c. 135.
 ' *Two Acts made in the Fifty-fourth and Fifty-fifth Years of*
 ' *the Reign of His present Majesty, for maintaining and keeping*
 ' *in repair certain Roads and Bridges in Scotland, to provide*
 ' *more effectually for that Purpose, and for Regulation of Ferries*
 ' *in Scotland, which Act, upon a Recital that certain Roads*
 ' *and Bridges for the Purpose of Military Communication had*
 ' *been made in the Highlands of Scotland at the public Expense,*
 ' *and of the said recited Act, and that a further Sum of Money*
 ' *had at sundry Times been granted in further Execution of*
 ' *the said Act, provides the Manner in which the said Military*
 ' *Roads and Bridges and the said Highland Roads and Bridges*
 ' *made and completed in pursuance of the said recited Act*
 ' *shall be maintained and repaired, and particularly that in the*
 ' *County of Inverness the Three Fourth Parts of the Money to*
 ' *be expended upon the Roads and Bridges thereby directed*
 ' *to be maintained and kept in repair should be raised by an*
 ' *Assessment upon every Proprietor, Life-renter, or proper*
 ' *Wadsetter of Land enjoying the Dominium utile thereof,*
 ' *according to the Amount of their respective Rents and Profits*
 ' *as assessed to the Property Tax in the Year ending the Fifth*
 ' *Day of April One thousand eight hundred and fourteen, under*
 ' *Schedule (A.) of an Act passed in the Forty-sixth Year of the*
 ' *Reign of His said Majesty, intituled An Act for granting to* 46 G. 3. c. 65.
 ' *His Majesty, during the present War, and until the Sixth Day*
 ' *of April next after the Ratification of a Definitive Treaty of*
 ' *Peace, further additional Rates and Duties in Great Britain*
 ' *on the Rates and Duties on Profits arising from Property,*
 ' *Professions, Trades, and Offices; and for repealing an Act*
 ' *passed in the Forty-fifth Year of His present Majesty, for*
 ' *repealing*

4 G. 4. c. 56.

5 G. 4. c. 38.

3 & 4 W. 4. c. 33.

‘ repealing certain Parts of an Act made in the Forty-third Year
 ‘ of His present Majesty, for granting a Contribution on the
 ‘ Profits arising from Property, Professions, Trades, and Offices;
 ‘ and to consolidate and render more effectual the Provisions for
 ‘ collecting the said Duties, for such Sum as shall in the whole
 ‘ repay the Money advanced on behalf of the Heritors of such
 ‘ County for the Purposes of the said Act of the Fifty-ninth
 ‘ Year of the Reign of His said Majesty King George the Third:
 ‘ And whereas another Act was passed in the Fourth Year of
 ‘ the Reign of His Majesty King George the Fourth, intituled
 ‘ *An Act for maintaining in repair the Military and Parlia-*
 ‘ *mentary Roads and Bridges in the Highlands of Scotland, and*
 ‘ *also certain Ferry Piers and Shipping Quays erected by the*
 ‘ *Commissioners for Highland Roads and Bridges,* whereby
 ‘ Provision was made for eventually increasing the Assessments
 ‘ under the said Acts, or erecting Toll Bars for the Collection
 ‘ of Rates in aid or in lieu of the Assessments levied in the
 ‘ County, and for Repair of Ferry Piers and Shipping Quays,
 ‘ and authorizing Regulations to be made for the Preservation
 ‘ and Use thereof: And whereas another Act was passed in the
 ‘ Fifth Year of the Reign of His said Majesty King George the
 ‘ Fourth, intituled *An Act to amend Two Acts for maintainin,*
 ‘ *and keeping in repair the Military and Parliamentary Roads in*
 ‘ *the Highlands of Scotland:* And whereas another Act was
 ‘ passed in the Session of Parliament holden in the Third and
 ‘ Fourth Years of the Reign of His late Majesty King William
 ‘ the Fourth, intituled *An Act to amend Three Acts passed for*
 ‘ *maintaining and keeping in repair the Military and Parlia-*
 ‘ *mentary Roads and Bridges in the Highlands of Scotland, and*
 ‘ *to improve certain Lines of Communication in the Counties of*
 ‘ *Inverness and Ross:* And whereas the Commissioners ap-
 ‘ pointed under the said Acts, or One or other of them, have put
 ‘ the same into execution, and various Sums have been advanced
 ‘ by Government, and large Sums have also been contributed
 ‘ or raised by Assessment, and applied to the Purposes of the
 ‘ said Acts, and a great Extent of Military Roads and Bridges,
 ‘ and other Roads and Bridges, and Ferry Piers, and Shipping
 ‘ Quays, and other Works, have been constructed, repaired, and
 ‘ maintained, with the Consent and Approbation of the said
 ‘ Commissioners: And whereas, in virtue of the said recited Act
 ‘ of the Fifty-ninth Year of the Reign of His Majesty King
 ‘ George the Third, various Proprietors of Lands and Heritages
 ‘ in the County of *Inverness* were assessed and have continued
 ‘ from Year to Year to pay Assessments according to the
 ‘ Amount of the Rents and Profits of their respective Estates
 ‘ as assessed to the Property Tax in the Year One thousand
 ‘ eight hundred and fourteen, in which Rents and Profits was
 ‘ included the annual Value of the Kelp grown and manufac-
 ‘ tured upon the Shores of their Estates, which at that Time
 ‘ bore a very high Price in the Market, notwithstanding that
 ‘ since the passing of certain Acts reducing and modifying the
 ‘ Duty (which is now merely nominal) on the Importation of
 ‘ Barilla,

‘ Barilla, Kelp has so much fallen in Value as to have ceased
 ‘ to be manufactured upon some Estates, and on all Estates
 ‘ has suffered a great Reduction in Price; and it is just and
 ‘ expedient that such Proprietors should pay Assessments only
 ‘ upon the actual Value of the Produce of their Estates, and
 ‘ that another and more equitable Mode of Assessment should
 ‘ be adopted:’ Be it therefore enacted by the Queen’s most
 Excellent Majesty, by and with the Advice and Consent of the
 Lords Spiritual and Temporal, and Commons, in this present
 Parliament assembled, and by the Authority of the same, That
 from and after the Fifteenth Day of *April* One thousand eight
 hundred and forty-nine the Assessments to be levied in the
 County of *Inverness*, in virtue of the said recited Acts or any
 of them, for the Maintenance and Repair of the Roads and
 Bridges, and of the Ferries, Piers, and Shipping Quays, in the
 Manner authorized by the said recited Acts, shall be made upon
 every Proprietor, Life-renter, or proper Wadsetter of Lands and
 Heritages enjoying the Dominium utile thereof, according to
 the respective annual Values of such Lands and Heritages as
 assessed to the Property Tax for the Year ending the Fifth
 Day of *April* One thousand eight hundred and forty-seven,
 under Schedule (A.) of an Act passed in the Fifth and Sixth
 Years of the Reign of Her present Majesty, intituled *An Act*
for granting to Her Majesty Duties on Profits arising from Pro-
perty, Professions, Trades, and Offices, until the Sixth Day of
April One thousand eight hundred and forty-five, as continued
 by another Act passed in the Eighth and Ninth Years of the
 Reign of Her present Majesty, intituled *An Act to continue for*
Three Years the Duties and Profits arising from Property, Pro-
fessions, Trades, and Offices, and thereafter yearly, according to
 the Amount of the annual Values respectively of such Lands
 and Heritages, as assessed to the Property Tax in each succeed-
 ing Year under the said recited Acts of Her present Majesty.

II. Provided always, and be it enacted, That in the event
 of the Expiration or Repeal of the said recited Acts of Her
 present Majesty, such Assessment shall thereafter be made from
 Year to Year, according to the annual Values of the Lands and
 Heritages of such Proprietors, Life-renters, or Wadsetters as
 assessed to the Property Tax in the Year immediately pre-
 ceding the Expiration or Repeal of the said recited Acts of Her
 present Majesty.

III. Provided also, and be it enacted, That if at the End of
 Five Years after the Expiration or Repeal of the said recited
 Acts of Her present Majesty, or at any Time thereafter, it shall
 appear to the Commissioners of Supply of the said County that
 the Operation of the Assessment under this Act has become
 unjust or unequal, the Commissioners of Supply of the said
 County shall have Power to make up, and shall make up, from
 any existing Rental of the County used for the Purpose of
 Assessment or otherwise, in such Way and Manner as to them
 shall seem proper, a new Rental according to the respective
 annual Values for the Time of such Lands and Heritages;

Assessment to
 be made on the
 annual Value
 of Lands and
 Heritages as
 assessed to the
 Property Tax
 under Acts
 5 & 6 Vict. c. 35.
 and 8 & 9 Vict.,
 c. 4.

In case of Ex-
 piration, &c. of
 the Two last-
 recited Acts,
 Assessment to
 be continued as
 for the Year
 preceding.

At the End of
 Five Years,
 Commissioners
 of Supply may
 alter Mode of
 Assessment as
 may be then
 suitable;

and again at
the Expiration
of every Ten
Years.

If real annual
Value of the
County be as-
certained, the
Assessment
to be thereafter
imposed on
such Value.

The Five first-
recited Acts to
remain in force
and be appli-
cable to the
Purposes of
this Act.

Act may be
amended, &c.

which new Rental, when completed, shall for the Year of its Completion, and thereafter, be the Rule of Assessment under this Act; and such and the same Power shall in the same Circumstances be competent to and be exercised by the said Commissioners of Supply with such and the same Effect, at the Expiration of Ten Years from the Adoption of the said new Rental, and at the Expiration of each Period of Ten Years thereafter.

IV. Provided also, and be it enacted, That if under the Provisions of any Act to be passed in the present or any future Session of Parliament a Valuation shall be made of the Lands and Heritages of the said County, to ascertain and fix the real annual Value thereof in order to Assessment, the Assessments to be imposed and levied in the said County for the Maintenance and Repair of the said Roads and Bridges, and Ferries, Piers, and Shipping Quays within the same, shall, after such Valuation shall be completed, be no longer made according to the annual Values of such Lands and Heritages as assessed to the Property Tax, but shall be imposed and levied upon the real annual Value thereof, as the same shall be ascertained and fixed as aforesaid; without Prejudice, nevertheless, to the Recovery of any Assessment imposed previous to the passing of such Act, or any Arrears of such Assessment.

V. And be it enacted, That the said first Five recited Acts shall in all respects, except in so far as the same or any of them are or is altered by this Act, remain in full Force and Operation, and shall, with all the Clauses and Provisions thereof, be applicable and applied (in as far as the same are or is applicable) to this Act, and shall be as valid and efficient for ascertaining the Amount of the Assessments, and for the Recovery and Application thereof, and in all other respects for regulating the Proceedings under this Act, as if the same had been herein repeated and re-enacted.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. XLI.

An Act to amend the Laws relating to the Ecclesiastical Unions and Divisions of Parishes in *Ireland*.

[14th August 1848.]

7 & 8 G. 4. c. 43. ‘ **W**HEREAS by an Act passed in the Session of Parlia-
ment holden in the Seventh and Eighth Years of His
late Majesty King *George* the Fourth, intituled *An Act to*
consolidate and amend the Laws in force in Ireland for Unions
and Divisions of Parishes, and for uniting or disappropriating
Parishes or Parts of Parishes, and to make further Provisions
with respect to the erecting Chapels of Ease, and making Per-
petual Cures, it is among other things enacted, “that it shall
and may be lawful for the Lord Lieutenant or other Chief
Governor or Governors of *Ireland* for the Time being, with
the

' the Assent of the major Part of His Majesty's Privy Council
 ' in Council assembled, Six at least consenting, and with the
 ' Advice and Approbation of the Archbishop of the Province
 ' and the Bishop of the Diocese, certified under their Hands
 ' and Seals, attested by Two or more credible Witnesses sub-
 ' scribing thereunto, to divide old Parishes, or to separate any
 ' Parish or Part of a Parish heretofore united, in whatever
 ' Manner such Union may have been effected, and to unite
 ' Parishes one to another, or any Part of a Parish to another
 ' Parish, or Part of a Parish in perpetuity, and to erect such
 ' divided or united Parishes or Parts of Parishes into new
 ' Parishes, with all Parochial Rights:" And whereas by the
 ' said recited Act it is among other things also enacted, "that
 ' when Two or more Churches or Parishes shall be united into
 ' One in pursuance of this Act, having formerly had distinct
 ' Patrons, in such Cases the Lord Lieutenant or other Chief
 ' Governor or Governors of *Ireland* for the Time being and
 ' Council as aforesaid, with the Advice and Approbation of the
 ' respective Archbishop and Bishop in whose Province and
 ' Diocese the said Churches were situate, shall divide the
 ' Patronage by Turns among the Patrons, giving to each of
 ' them a Right to present oftener and seldomer, according to
 ' the true yearly Value of the respective Parish or Parishes
 ' whereof they are Patrons, the Consent of each Patron being
 ' first had and entered in the Instrument for erecting the said
 ' Union; and such Settlement or Settlements as aforesaid shall
 ' be final and binding to all Patrons, whether Ecclesiastical or
 ' Lay Patrons, and to all Parties for ever, reserving always
 ' unto every Archbishop and Bishop, Registrars and School-
 ' masters, their respective Dues payable out of every such Parish
 ' so united: Provided always, that when the King's Majesty,
 ' His Heirs and Successors, is or shall be entitled to the Pre-
 ' sentation of any of the said Parish Churches so to be united,
 ' He and they shall, from and immediately after such Union,
 ' upon the first Vacancy, have the first Presentation of an
 ' Incumbent unto such united Church, and afterwards, upon
 ' the then next Vacancy, the other respective Patrons seve-
 ' rally as the Lord Lieutenant or other Chief Governor or
 ' Governors and Council aforesaid, with the Advice and Ap-
 ' probation aforesaid, shall direct and appoint, regard being
 ' had to the respective Values of the several Parishes so to be
 ' united as aforesaid, and so in course respectively in manner
 ' aforesaid:" And whereas by an Act passed in the Session of
 ' Parliament holden in the Eighth and Ninth Years of the
 ' Reign of Her present Majesty, intituled *An Act to amend the* 8 & 9 Vict. c. 54.
 ' *Laws in force in Ireland for Unions and Divisions of Parishes,*
 ' *for the Settlement of the Patronage thereof, and the Celebration*
 ' *of Marriages in the same,* it is amongst other things enacted,
 ' that where in pursuance of the said recited Act, or the Act
 ' now in recital, Two or more Churches or Parishes shall be
 ' united into One, or where any Parish or Part of a Parish,
 ' or Parts of Parishes, shall be united to any other Parish or
 ' Parishes,

‘ Parishes, or Part of a Parish or Parts of Parishes, in every
‘ such Case it shall be lawful for the Lord Lieutenant or other
‘ Chief Governor or Governors of *Ireland* for the Time being,
‘ with the Assent of Her Majesty’s Privy Council in *Ireland* as
‘ aforesaid, if he and they shall so think fit, and with the Advice
‘ and Approbation of the Archbishop and the Bishop in whose
‘ Province and Diocese the said Churches, Parishes, Part or
‘ Parts of a Parish or Parishes are situate, certified under their
‘ Hands and Archiepiscopal and Episcopal Seals, and with the
‘ Consent of each Patron or Person, or Body Politic, Corpo-
‘ rate, or Collegiate, whose Ecclesiastical Patronage shall be in
‘ anywise affected by the Creation of such Union, (every such
‘ Consent to be first had and entered in the Instrument for
‘ erecting the said Union,) to make and establish such a Settle-
‘ ment or Distribution of the Patronage of such Union, and
‘ of the Patronage of all Unions and Parishes from which any
‘ Parish or Parishes, or any Part of a Parish or any Parts of
‘ Parishes, have been severed in order to create such Union,
‘ as in the Opinion of such Lord Lieutenant or other Chief
‘ Governor or Governors and Privy Council as aforesaid the
‘ Justice of the Case shall require; and every such Settlement
‘ or Distribution shall be final and binding to and upon all
‘ Patrons, whether Ecclesiastical or Lay Patrons, and to and
‘ upon all Parties for ever, reserving always unto every Arch-
‘ bishop and Bishop, Registrar and Schoolmaster, their respec-
‘ tive Dues payable out of every such Parish or Part of a Parish
‘ so united: Provided always, that in every Case when the
‘ Consent of the Queen’s Majesty, Her Heirs or Successors, is
‘ to be given to any such Settlement or Distribution of Patron-
‘ age, or to making any Union under this Act, the Consent in
‘ that Behalf of the Lord Lieutenant or other Chief Governor
‘ or Governors of *Ireland*, under his or their Hands and Seals,
‘ shall be to all Intents and Purposes as good and valid in
‘ Law as if the Consent of Her Majesty, Her Heirs or Succes-
‘ sors, had been thereunto signified by Letters Patent under the
‘ Great Seal of *Ireland*: And whereas it is expedient that
‘ greater Facilities should be afforded for the Union and Divi-
‘ sion of Parishes in the Settlement and Distribution of the
‘ Patronage of the Parish Churches affected by such Unions
‘ and Divisions:’ Be it therefore enacted by the Queen’s most
Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the Authority of the same, That
from and after the passing of this Act so much of the before-
recited Acts as relates to or requires the Consent of Patrons
shall be and is hereby repealed.

So much of
recited Acts as
relates to or
requires the
Consent of Pa-
trons repealed.

Plans of pro-
posed Divisions
or Unions of
Parishes to be
lodged in Privy
Council Office,
approved by
Archbishops,

II. And be it enacted, That from and after the passing of
this Act, when any Division or Union, Divisions or Unions, is
or are to be effected under the before-recited Acts or either of
them, an Instrument containing the proposed Plan for the
Division or Union, Divisions or Unions, marked and coloured
on a Sheet or Sheets of the Ordnance Survey of *Ireland* in
which

which such Parish or Parishes or Part of a Parish or Parts of Parishes are situate, and to be annexed to such Instrument, and also for the Settlement or Distribution of the Patronage of all the Parishes and Unions to be altered or created thereby, and having endorsed upon the same the Approbation of the Archbishop or Archbishops entitled to exercise Archiepiscopal Jurisdiction in the Provinces in which the Parishes and Unions to be divided or created are situate, and of each and every Archbishop, Bishop, or other Person or Persons entitled to exercise Episcopal Jurisdiction within any Portion of the said Parishes and Unions, as Diocesans thereof, certified under their Hands as aforesaid, shall be lodged in the Council Office in *Dublin Castle*, and a Copy of the same shall be sent to each of the Patrons, Persons, Bodies Politic, Corporate, or Collegiate, whose Consent is by the aforesaid Acts or either of them rendered necessary to the effecting of the proposed Division or Union, Divisions or Unions, and together with the same a Notice in Writing shall be served upon each of the Parties last aforesaid, calling upon him or them, within Six Weeks after the Date of the Service of the same, to lodge or cause to be lodged in the Council Office in *Dublin Castle* a Statement in Writing of his or their Objections, if any he or they have to make, to the said Instrument or any Part thereof, or to the Settlement or Distribution of Patronage therein mentioned, or any Part thereof; and at the Expiration of the above Period of Six Weeks from the Date of the Service of the last Notice so served the Lord Lieutenant or other Chief Governor or Governors and Privy Council as aforesaid shall take the Matter of such Instrument, and also the Objections which shall have been lodged against the same, if any such there be, into their Consideration, and thereupon it shall be lawful for such Lord Lieutenant or other Chief Governor or Governors and Privy Council, if they shall so think fit, (Six of the said Privy Council at least consenting, of whom Two at least shall be Members of the Judicial Bench in *Ireland*,) to adopt and confirm the said Instrument, and the Union or Unions, Division or Divisions, and the Settlement or Distribution of Patronage therein made, and to make an Order reciting the said Instrument as lodged in the said Council Office, and confirming the same; or if upon Consideration of the Instrument itself, or of the Objections made thereto in the Manner herein-before prescribed, such Lord Lieutenant or other Chief Governor or Governors and Privy Council should be of opinion that the same ought to be altered in respect of any Particulars therein contained, then such Alteration may be made by them, and the Instrument so altered shall be returned to the Bishop or Bishops and to the Archbishop or Archbishops by whom it was originally approved of as aforesaid; and if the said Instrument so altered be by them sent back to the said Council Office, with their Approbation endorsed thereon as aforesaid, it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors and Privy Council, if they shall so think fit, (as before, Six at least

&c., and Copies to be served on Patrons; Lord Lieutenant and Council to consider such Plans and the Objections of Patrons, and may confirm or alter the proposed Plans.

least consenting,) to make an Order in Council reciting the Instrument as so altered by the Lord Lieutenant or other Chief Governor or Governors in Council, and approved of by the Bishop or Bishops and by the Archbishop or Archbishops as aforesaid, and confirming the same; and such Order in Council, whether confirming the original Instrument or the Instrument so altered as aforesaid, shall be valid and effectual to all Intents and Purposes whatsoever as if the Consent of such Patrons and Persons, and Bodies Politic, Corporate, or Collegiate as aforesaid, had been given and signified thereto in the Form and Manner prescribed in the said recited Acts or either of them, and the said Union or Division duly completed thereunder: Provided always, that at the Meeting of the Privy Council held for the Consideration of the said Instrument, and of the Objections thereto, it shall be lawful for any of the Parties who shall have made such Objections, on giving Three Days Notice to the Clerk of the Privy Council, to be heard before such Privy Council by their Counsel or Agents.

Churches may be erected within Districts to be formed from Portions of Parishes in different Dioceses.

III. ' And whereas in the said first-recited Act it was enacted, that it might be lawful for the several Archbishops and Bishops of *Ireland*, and their Successors, within their respective Dioceses, to erect or cause to be erected new Churches or Chapels in convenient Places within Districts to be respectively formed from contiguous Portions of Two or more adjoining Parishes, as to the said Archbishops and Bishops respectively and to their Successors should seem proper, in manner therein-after directed: And whereas the said Act did not provide for the forming of such Districts from contiguous Portions of adjoining Parishes in different Dioceses, for which it may in many Instances be reasonable and convenient to provide; be it therefore enacted, That it shall and may be lawful for any of the several Archbishops and Bishops of *Ireland*, and their Successors, or other Person or Persons having Episcopal Jurisdiction in contiguous Dioceses, to erect or cause to be erected new Churches or Chapels in convenient Places within Districts to be respectively formed from contiguous Portions of Two or more adjoining Parishes situated in different Dioceses contiguous to each other, as to the said Archbishops and Bishops and their Successors shall seem proper.

Bounds of Districts to be notified to Incumbents and to the Lord Lieutenant in Council.

IV. And be it enacted, That the Bounds for such Districts shall be ascertained by Writing under the Hands and Archiepiscopal and Episcopal Seals, or Hands and Episcopal Seals, of the Archbishop and Bishop or of the Bishops concurring in the Formation of such Districts; and such Writing shall and may set out the Bounds of such District, and the several Townlands or Parts of Townlands which shall be comprised within any such District, and marked and coloured on a Sheet or Sheets of the Ordnance Survey of *Ireland*, and annexed to such Instrument in like Manner as herein-before mentioned, and shall be transmitted to the several Incumbents and to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council for

for the Purposes and to be dealt with in the Manner specified as to the like Instruments in Writing mentioned and described in the said Act herein-before recited in respect to Districts formed in the same Diocese, and shall be entered in the Registry of every Diocese in which such newly created District shall be situated, and shall be enrolled in manner in said Act set forth in respect to the Districts therein mentioned, upon Payments to be made upon such Entry and Enrolment as therein respectively mentioned.

V. And be it enacted, That the Bishop in whose Diocese the Church or Chapel of such District shall be locally situate shall and may have, use, and exercise all Ecclesiastical and Spiritual Jurisdiction, Powers, and Authorities in and over such District, and the Incumbent or Perpetual Curate and Inhabitants thereof, in the same Manner and as fully and to the same Intent as if the entire of the said District had been erected and formed out of Parishes locally situate within such Diocese; and the said District shall for the Purposes aforesaid be deemed and taken to be within the Limits of such Diocese: Provided always, that nothing herein contained shall render the Incumbent of any Parish a Portion whereof shall be included in such District, or the Emoluments, Rents, or Tithe Rent-charge of such his Benefice, subject to the Jurisdiction of any Bishop, save the Bishop in whose Diocese his Benefice shall be situate, or prejudice or affect his Rights, Privileges, or Liabilities further or otherwise than the same would have been prejudiced or affected in case such District had been formed under the Provisions of the said first-recited Act.

Bishop to exercise Jurisdiction over District, Incumbent, &c.

Nothing to render Incumbent subject to any other Bishop.

VI. ' And whereas there are united Parishes in *Ireland*, and ' it may be hereafter expedient on the Death or Removal of the ' Incumbents of such united Parishes to disunite the same: ' And whereas in such united Parishes Glebe Houses have ' been or may be built on the Glebe Land of some one of the ' Parishes forming such united Parishes, pursuant to the Pro- ' visions of the Statute Law for that Purpose in force in ' *Ireland*, and the Incumbents of such united Parishes are or ' may be entitled, under the Provisions of the same Law, to ' certain Charges or Sums of Money to be paid to such Incum- ' bents, or their Executors or Administrators, on the Removal ' or Death of such Incumbents, by their Successors, or the ' Executors or Administrators of such Successors: And whereas ' in the event of such united Parishes being hereafter disunited ' the Glebe Houses so built would be too large and very incon- ' venient for the Residence of the Incumbent of any One of ' the Two Parishes theretofore forming such united Parishes: ' Be it enacted, That from and after the passing of this Act it shall and may be lawful for any such Incumbent of any such united Parishes, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and the Privy Council of *Ireland*, Six at least of said Privy Council assenting, to exchange such Glebe on which such Glebe House may have been built for Lands of equal or greater Value in each

Providing for Exchange of Glebe Lands of disunited Parishes.

least consenting,) to make an Order in Council reciting the Instrument as so altered by the Lord Lieutenant or other Chief Governor or Governors in Council, and approved of by the Bishop or Bishops and by the Archbishop or Archbishops as aforesaid, and confirming the same; and such Order in Council, whether confirming the original Instrument or the Instrument so altered as aforesaid, shall be valid and effectual to all Intents and Purposes whatsoever as if the Consent of such Patrons and Persons, and Bodies Politic, Corporate, or Collegiate as aforesaid, had been given and signified thereto in the Form and Manner prescribed in the said recited Acts or either of them, and the said Union or Division duly completed thereunder: Provided always, that at the Meeting of the Privy Council held for the Consideration of the said Instrument, and of the Objections thereto, it shall be lawful for any of the Parties who shall have made such Objections, on giving Three Days Notice to the Clerk of the Privy Council, to be heard before such Privy Council by their Counsel or Agents.

Churches may be erected within Districts to be formed from Portions of Parishes in different Dioceses.

III. ' And whereas in the said first-recited Act it was enacted, that it might be lawful for the several Archbishops and Bishops of *Ireland*, and their Successors, within their respective Dioceses, to erect or cause to be erected new Churches or Chapels in convenient Places within Districts to be respectively formed from contiguous Portions of Two or more adjoining Parishes, as to the said Archbishops and Bishops respectively and to their Successors should seem proper, in manner therein-after directed: And whereas the said Act did not provide for the forming of such Districts from contiguous Portions of adjoining Parishes in different Dioceses, for which it may in many Instances be reasonable and convenient to provide; be it therefore enacted, That it shall and may be lawful for any of the several Archbishops and Bishops of *Ireland*, and their Successors, or other Person or Persons having Episcopal Jurisdiction in contiguous Dioceses, to erect or cause to be erected new Churches or Chapels in convenient Places within Districts to be respectively formed from contiguous Portions of Two or more adjoining Parishes situated in different Dioceses contiguous to each other, as to the said Archbishops and Bishops and their Successors shall seem proper.

Bounds of Districts to be notified to Incumbents and to the Lord Lieutenant in Council.

IV. And be it enacted, That the Bounds for such Districts shall be ascertained by Writing under the Hands and Archiepiscopal and Episcopal Seals, or Hands and Episcopal Seals, of the Archbishop and Bishop or of the Bishops concurring in the Formation of such Districts; and such Writing shall and may set out the Bounds of such District, and the several Townlands or Parts of Townlands which shall be comprised within any such District, and marked and coloured on a Sheet or Sheets of the Ordnance Survey of *Ireland*, and annexed to such Instrument in like Manner as herein-before mentioned, and shall be transmitted to the several Incumbents and to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council for

for the Purposes and to be dealt with in the Manner specified as to the like Instruments in Writing mentioned and described in the said Act herein-before recited in respect to Districts formed in the same Diocese, and shall be entered in the Registry of every Diocese in which such newly created District shall be situated, and shall be enrolled in manner in said Act set forth in respect to the Districts therein mentioned, upon Payments to be made upon such Entry and Enrolment as therein respectively mentioned.

V. And be it enacted, That the Bishop in whose Diocese the Church or Chapel of such District shall be locally situate shall and may have, use, and exercise all Ecclesiastical and Spiritual Jurisdiction, Powers, and Authorities in and over such District, and the Incumbent or Perpetual Curate and Inhabitants thereof, in the same Manner and as fully and to the same Intent as if the entire of the said District had been erected and formed out of Parishes locally situate within such Diocese; and the said District shall for the Purposes aforesaid be deemed and taken to be within the Limits of such Diocese: Provided always, that nothing herein contained shall render the Incumbent of any Parish a Portion whereof shall be included in such District, or the Emoluments, Rents, or Tithe Rent-charge of such his Benefice, subject to the Jurisdiction of any Bishop, save the Bishop in whose Diocese his Benefice shall be situate, or prejudice or affect his Rights, Privileges, or Liabilities further or otherwise than the same would have been prejudiced or affected in case such District had been formed under the Provisions of the said first-recited Act.

Bishop to exercise Jurisdiction over District, Incumbent, &c.

Nothing to render Incumbent subject to any other Bishop.

VI. ' And whereas there are united Parishes in *Ireland*, and ' it may be hereafter expedient on the Death or Removal of the ' Incumbents of such united Parishes to disunite the same: ' And whereas in such united Parishes Glebe Houses have ' been or may be built on the Glebe Land of some one of the ' Parishes forming such united Parishes, pursuant to the Provisions of the Statute Law for that Purpose in force in ' *Ireland*, and the Incumbents of such united Parishes are or ' may be entitled, under the Provisions of the same Law, to ' certain Charges or Sums of Money to be paid to such Incumbents, or their Executors or Administrators, on the Removal ' or Death of such Incumbents, by their Successors, or the ' Executors or Administrators of such Successors: And whereas ' in the event of such united Parishes being hereafter disunited ' the Glebe Houses so built would be too large and very inconvenient for the Residence of the Incumbent of any One of ' the Two Parishes theretofore forming such united Parishes: ' Be it enacted, That from and after the passing of this Act it shall and may be lawful for any such Incumbent of any such united Parishes, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and the Privy Council of *Ireland*, Six at least of said Privy Council assenting, to exchange such Glebe on which such Glebe House may have been built for Lands of equal or greater Value in

Providing for Exchange of Glebe Lands of disunited Parishes.

each

Borough, or Place within *England* or *Wales* in which any Person charged with having committed or with being suspected to have committed any such Crime or Offence shall reside or be, or shall be supposed or suspected to reside or be, to issue his or their Warrant (E.) to apprehend the Person so charged, and to cause him to be brought before him or them, or some other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, to answer to the said Charges, and to be further dealt with according to Law.

Warrant to apprehend a Party against whom an Indictment is found.

III. And be it enacted, That where any Indictment shall be found by the Grand Jury in any Court of Oyer and Terminer or General Gaol Delivery, or in any Court of General or Quarter Sessions of the Peace, against any Person who shall then be at large, and whether such Person shall have been bound by any Recognizance to appear to answer to the same or not, the Person who shall act as Clerk of the Indictments at such Court of Oyer and Terminer or Gaol Delivery, or as Clerk of the Peace at such Sessions, at which the said Indictment shall be found, shall at any Time afterwards after the End of the Sessions of Oyer and Terminer or Gaol Delivery or Sessions of the Peace at which such Indictment shall have been found, upon Application of the Prosecutor, or of any Person on his Behalf, and on Payment of a Fee of One Shilling, if such Person shall not have already appeared and pleaded to such Indictment, grant unto such Prosecutor or Person a Certificate (F.) of such Indictment having been found; and upon Production of such Certificate to any Justice or Justices of the Peace for any County, Riding, Division, Liberty, City, Borough, or Place in which the Offence shall in such Indictment be alleged to have been committed, or in which the Person indicted in and by such Indictment shall reside or be, or be supposed or suspected to reside or be, it shall be lawful for such Justice or Justices, and he and they are hereby required, to issue his or their Warrant (G.) to apprehend such Person so indicted, and to cause him to be brought before such Justice or Justices, or any other Justice or Justices for the same County, Riding, Division, Liberty, City, Borough, or Place, to be dealt with according to Law, and afterwards, if such Person be thereupon apprehended and brought before any such Justice or Justices, such Justice or Justices, upon its being proved upon Oath or Affirmation before him or them that the Person so apprehended is the same Person who is charged and named in such Indictment, shall, without further Inquiry or Examination, commit (H.) him for Trial, or admit him to Bail, in manner herein-after mentioned; or if such Person so indicted shall be confined in any Gaol or Prison for any other Offence than that charged in the said Indictment, at the Time of such Application, and Production of the said Certificate to such Justice or Justices as aforesaid, it shall be lawful for such Justice or Justices and he and they are hereby required, upon it being proved before him or them upon Oath or Affirmation that the Person

If Person indicted be already in Prison for some other Offence, Justice may order him to be detained until removed by Writ of Habeas.

27	29	7	26	27	28	29	29
20	22	18	20	22	23	24	22
13	15	11	13	16	17	18	
6	8	4	6	9	2		

Person so indicted and the Person so confined in Prison are one and the same Person, to issue his or their Warrant (I.) directed to the Gaoler or Keeper of the Gaol or Prison in which the Person so indicted shall then be confined as aforesaid, commanding him to detain such Person in his Custody until by Her Majesty's Writ of Habeas Corpus he shall be removed therefrom, for the Purpose of being tried upon the said Indictment, or until he shall otherwise be removed or discharged out of his Custody by due Course of Law.

IV. And be it enacted, That it shall be lawful for any Justice or Justices of the Peace to grant or issue any Warrant as aforesaid or any Search Warrant on a *Sunday* as well as on any other Day.

Power to Justice to issue Warrants on Sundays.

V. And be it enacted, That in Cases where a Justice of the Peace for any County, Riding, Division, Liberty, City, Borough, or Place shall be also Justice of the Peace for a County, Riding, Division, Liberty, City, Borough, or Place next adjoining thereto or surrounded thereby, it shall and may be lawful for such Justice of the Peace to act as such Justice for the one County, Riding, Division, Liberty, City, Borough, or other Place whilst he is residing or happens to be in the other such County, Riding, Division, Liberty, City, Borough, or other Place, in all Matters and Things herein-before or hereafter in this Act mentioned; and that all such Acts of such Justice, and the Acts of any Constable or other Officer in obedience thereto, shall be as valid, good, and effectual in the Law to all Intents and Purposes as if such Justice at the Time he shall so act as aforesaid were in the County, Riding, Division, Liberty, City, Borough, or other Place for which he shall so act; and all Constables and other Officers for the County, Riding, Division, Liberty, City, Borough, or Place for which such Justice shall so act as aforesaid are hereby authorized and required to obey the Warrants, Orders, Directions, Act or Acts of such Justice which in that Behalf shall be granted, given, or done, and to do and perform their several Offices and Duties in respect thereof, under the Pains and Penalties to which any Constable or other Officer may be liable for a Neglect of Duty; and any such Constable or other Peace Officer, or any other Person apprehending or taking into Custody any Person offending against Law, and whom he lawfully may and ought to apprehend or take into Custody, by virtue of his Office or otherwise, in any such County, Riding, Division, Liberty, City, Borough, or Place, may lawfully take and convey such Person so apprehended and taken as aforesaid to and before any such Justice of the Peace for such County, Riding, Division, Liberty, City, Borough, or Place whilst such Justice shall be in such adjoining County, Riding, Division, Liberty, City, Borough, or Place as aforesaid, and the said Constables and other Peace Officers, and all such other Persons as aforesaid, are hereby authorized and required in all such Cases so to act in all things as if the said Justice of the Peace were within the said County, Riding, Division,

Justices for adjoining Counties, &c. may act as such for one County, &c. while residing in another.

All Acts of Justices, &c. to be valid.

Constables, &c. apprehending Offenders in one such County, &c. may take them before such Justice in the adjoining County, &c., if he act as a Justice in both.

Division, Liberty, City, Borough, or Place for which he shall so act.

Justices for a County, &c. may act for it in an adjoining City or Place of exclusive Jurisdiction.

Not to give Power to act, &c. in any Matters, &c. arising within the same.

For Removal of Doubts as to Powers given to Justices, &c. in detached Parts of Counties under 2 & 3 Vict. c. 82.

When Charge, &c. is made, if a Warrant is to be issued, Information, &c., on Oath, to be laid before Justices.

If Summons to be issued instead, Information, &c. not necessary to be on Oath.

VI. And be it enacted, That it shall be lawful for any Justice or Justices of the Peace acting for any County at large, or for any Riding or Division of such County, to act as such at any Place within any City, Town, or other Precinct, being a County of itself, or otherwise having exclusive Jurisdiction, and situated within, surrounded by, or adjoining to any such County, Riding, or Division respectively, and that all and every such Act and Acts, Matters and Things, to be so done by such Justice or Justices within such City, Town, or Precinct, as Justice or Justices for such County, Riding, or Division respectively, shall be as valid and effectual in Law as if the same had been done within such County, Riding, or Division respectively, to all Intents and Purposes whatsoever: Provided always, that nothing in this Act contained shall extend to give Power to the Justices of the Peace for any County, Riding, or Division, not being also Justices for such City, Town, or other Precinct, or not having Authority as Justices of the Peace therein, or any Constable or other Officer acting under them, to act or intermeddle in any Matters or Things arising within any such City, Town, or Precinct, in any Manner whatsoever.

VII. ' And whereas Doubts have arisen whether the Powers given to Justices by an Act passed in the Session of Parliament held in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for the better Administration of Justice in detached Parts of Counties*, are applicable to Cases of summary Jurisdiction and to Acts merely ministerial: Be it hereby declared and enacted, That all the Acts of any Justice or Justices, and of any Constable or Officer in obedience thereto, shall be as good in relation to any detached Part of any County which is surrounded in whole or in part by the County for which such Justice or Justices acts or act as if the same were to all Intents and Purposes Part of the said County; and all Constables and other Officers of such detached Part are hereby required to obey the Warrants, Orders, and Acts of such Justice or Justices, and to perform their several Duties in respect thereof, under the Pains and Penalties to which any Constable or other Officer may be liable for a Neglect of Duty.

VIII. And be it enacted, That in all Cases where a Charge or Complaint for any indictable Offence shall be made before such Justice or Justices as aforesaid, if it be intended to issue a Warrant in the first instance against the Party or Parties so charged, an Information and Complaint thereof (A.) in Writing, on the Oath or Affirmation of the Informant or of some Witness or Witnesses in that Behalf, shall be laid before such Justice or Justices: Provided always, that in all Cases where it is intended to issue a Summons instead of a Warrant in the first instance, it shall not be necessary that such Information and Complaint shall be in Writing, or be sworn to or affirmed in manner aforesaid,

said, but in every such Case such Information and Complaint may be by Parol merely, and without any Oath or Affirmation whatsoever to support or substantiate the same: Provided also, that no Objection shall be taken or allowed to any such Information or Complaint for any alleged Defect therein in Substance or in Form, or for any Variance between it and the Evidence adduced on the Part of the Prosecution before the Justice or Justices who shall take the Examination of the Witnesses in that Behalf, as herein-after mentioned.

No Objection
allowed for
alleged Defect
in Form.

IX. And be it enacted, That upon such Information and Complaint being so laid as aforesaid the Justice or Justices receiving the same may, if he or they shall think fit, issue his or their Summons or Warrant respectively as herein-before is directed to cause the Person charged as aforesaid to be and appear before him or them, or any other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, to be dealt with according to Law; and every such Summons (C.) shall be directed to the Party so charged in and by such Information, and shall state shortly the Matter of such Information, and shall require the Party to whom it is so directed to be and appear at a certain Time and Place therein mentioned before the Justice who shall issue such Summons, or before such other Justice or Justices of the Peace of the same County, Riding, Division, Liberty, City, Borough, or Place as may then be there, to answer to the said Charge, and to be further dealt with according to Law; and every such Summons shall be served by a Constable or other Peace Officer upon the Person to whom it is so directed by delivering the same to the Party personally, or if he cannot conveniently be met with then by leaving the same with some Person for him at his last or most usual Place of Abode; and the Constable or other Peace Officer who shall have served the same in manner aforesaid shall attend at the Time and Place and before the Justices in the said Summons mentioned, to depose, if necessary, to the Service of such Summons; and if the Person so served shall not be and appear before the Justice or Justices at the Time and Place mentioned in such Summons, in obedience to the same, then it shall be lawful for such Justice or Justices to issue his or their Warrant (D.) for apprehending the Party so summoned, and bringing him before such Justice or Justices, or some other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, to answer the Charge in the said Information and Complaint mentioned, and to be further dealt with according to Law: Provided always, that no Objection shall be taken or allowed to any such Summons or Warrant for any alleged Defect therein in Substance or in Form, or for any Variance between it and the Evidence adduced on the Part of the Prosecution before the Justice or Justices who shall take the Examinations of the Witnesses in that Behalf, as herein-after mentioned; but if any such Variance shall appear to such Justice or Justices to be such that the Party charged has been thereby deceived or misled, it

Upon Com-
plaint being
laid, Justices
receiving the
same may issue
Summons or
Warrant for
Appearance of
Person charged.

How Summons
to be served.

If Party sum-
moned do not
attend, Justice
may issue a
Warrant to
compel At-
tendance.

No Objection
allowed for
alleged Defect
in Form, &c.

shall be lawful for such Justice or Justices, at the Request of the Party so charged, to adjourn the hearing of the Case to some future Day, and in the meantime to remand the Party so charged, or admit him to Bail, in manner herein-after mentioned.

Warrant to
apprehend Par-
ties to be under
Hand and Seal
of Justice.

How Warrant
to be directed,
and to whom.

How and where
Warrant may
be executed.

No Objection
allowed for
alleged Defect
in Form, &c.

X. And be it declared and enacted, That every Warrant (B.) hereafter to be issued by any Justice or Justices of the Peace to apprehend any Person charged with any indictable Offence shall be under the Hand and Seal or Hands and Seals of the Justice or Justices issuing the same, and may be directed either to any Constable or other Person by Name, or generally to the Constable of the Parish or other District within which the same is to be executed, without naming him, or to such Constable and all other Constables or Peace Officers in the County or other District within which the Justice or Justices issuing such Warrant has or have Jurisdiction, or generally to all the Constables or Peace Officers within such last-mentioned County or District, and it shall state shortly the Offence on which it is founded, and shall name or otherwise describe the Offender, and it shall order the Person or Persons to whom it is directed to apprehend the Offender, and bring him before the Justice or Justices issuing the said Warrant, or before some other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, to answer to the Charge contained in the said Information, and to be further dealt with according to Law; and it shall not be necessary to make such Warrant returnable at any particular Time, but the same may remain in force until it shall be executed; and such Warrant may be executed by apprehending the Offender at any Place within the County, Riding, Division, Liberty, City, Borough, or Place within which the Justice or Justices issuing the same shall have Jurisdiction, or in case of fresh Pursuit at any Place in the next adjoining County or Place, and within Seven Miles of the Border of such first-mentioned County, Riding, Division, Liberty, City, Borough, or Place, without having such Warrant backed as herein-after mentioned; and in all Cases where such Warrant shall be directed to all Constables or other Peace Officers within the County or other District within which the Justice or Justices issuing the same shall have Jurisdiction it shall be lawful for any Constable, Headborough, Tithingman, Borsholder, or other Peace Officer for any Parish, Township, Hamlet, or Place within such County or District to execute the said Warrant within any Parish, Township, Hamlet, or Place situate within the Jurisdiction for which such Justice or Justices shall have acted when he or they granted such Warrant, in like Manner as if such Warrant were directed specially to such Constable by Name, and notwithstanding the Place in which such Warrant shall be executed shall not be within the Parish, Township, Hamlet, or Place for which he shall be such Constable, Headborough, Tithingman, Borsholder, or other Peace Officer: Provided always, that no Objection shall be taken or allowed to any such Warrant for any Defect therein in Substance or in Form, or for any Variance between it and the Evidence adduced on the

Part of the Prosecution before the Justice or Justices who shall take the Examinations of the Witnesses in that Behalf, as herein-after mentioned; but if any such Variance shall appear to such Justice or Justices to be such that the Party charged has been thereby deceived or misled, it shall be lawful for such Justice or Justices, at the Request of the Party so charged, to adjourn the hearing of the Case to some future Day, and in the meantime to remand the Party so charged, or to admit him to Bail, in manner herein-after mentioned.

XI. And be it enacted, That if the Person against whom any such Warrant shall be issued as aforesaid shall not be found within the Jurisdiction of the Justice or Justices by whom the same shall be issued, or if he shall escape, go into, reside, or be, or be supposed or suspected to be, in any Place in *England* or *Wales* out of the Jurisdiction of the Justice issuing such Warrant, it shall and may be lawful for any Justice of the Peace for the County or Place into which such Person shall so escape or go, or in which he shall reside or be, or be supposed or suspected to be, upon Proof alone being made on Oath of the Handwriting of the Justice issuing such Warrant, to make an Indorsement (K.) on such Warrant, signed with his Name, authorizing the Execution of such Warrant within the Jurisdiction of the Justice making such Indorsement, and which Indorsement shall be sufficient Authority to the Person bringing such Warrant, and to all other Persons to whom the same was originally directed, and also to all Constables and other Peace Officers of the County or Place where such Warrant shall be so indorsed, to execute the same in such other County or Place, and to carry the Person against whom such Warrant shall have issued, when apprehended, before the Justice and Justices of the Peace who first issued the said Warrant, or before some other Justice or Justices of the Peace in and for the same County, Riding, Division, City, Liberty, Borough, or Place, or before some Justice or Justices of the County, Riding, Division, Liberty, City, Borough, or Place where the Offence in the said Warrant mentioned appears therein to have been committed: Provided always, that if the Prosecutor, or any of the Witnesses upon the Part of the Prosecution, shall then be in the County or Place where such Person shall have been so apprehended, the Constable or other Person or Persons who shall have so apprehended such Person may, if so directed by the Justice backing such Warrant, take and convey him before the Justice who shall have so backed the said Warrant, or before some other Justice or Justices of the same County or Place; and the said Justice or Justices may thereupon take the Examinations of such Prosecutor or Witnesses, and proceed in every respect in manner herein-after directed with respect to Persons charged before a Justice or Justices of the Peace with an Offence alleged to have been committed in another County or Place than that in which such Persons have been apprehended.

Regulations as
to the backing
of Warrants.

Proviso.

XII. And be it enacted, That if any Person against whom a Warrant shall be issued in any County, Riding, Division, Liberty, English Warrants may be backed in Ireland, and vice

versâ, in the
event of Parties
escaping.

Warrants so
indorsed to be
valid.

English War-
rants may be
backed in the
Isles of Man,
Guernsey, Jer-
sey, Alderney,
or Sark, and
vice versâ.

Liberty, City, Borough, or Place in *England* or *Wales*, by any Justice of the Peace, or by any Judge of Her Majesty's Court of Queen's Bench, or Justice of Oyer and Terminer or Gaol Delivery, for any indictable Offence against the Laws of that Part of the United Kingdom, shall escape, go into, reside, or be, or be supposed or suspected to be, in any County or Place in that Part of the United Kingdom called *Ireland*, or if any Person against whom a Warrant shall be issued in any County or Place in *Ireland*, by any Justice of the Peace, or by any Judge of Her Majesty's Court of Queen's Bench there, or any Justice of Oyer and Terminer or Gaol Delivery, for any Crime or Offence against the Laws of that Part of the United Kingdom, shall escape, go into, reside, or be, or be supposed or suspected to be, in any County, Riding, Division, Liberty, City, Borough, or Place in that Part of the United Kingdom called *England* or *Wales*, it shall and may be lawful for any Justice of the Peace in and for the County or Place into which such Person shall escape or go, or where he shall reside or be, or be supposed or suspected to be, to indorse (K.) such Warrant in manner herein-before mentioned, or to the like Effect, and which Warrant so indorsed shall be a sufficient Authority to the Person or Persons bringing such Warrant, and to all Persons to whom such Warrant was originally directed, and also to all Constables or other Peace Officers of the County or Place where such Warrant shall be so indorsed, to execute the said Warrant in the County or Place where the Justice so indorsing it shall have Jurisdiction, by apprehending the Person against whom such Warrant shall have been granted, and to convey him before the Justice or Justices who granted the same, or before some other Justice or Justices of the Peace in and for the same County or Place, and which said Justice or Justices before whom he shall be so brought shall thereupon proceed in such Manner as if the said Person had been apprehended in the said last-mentioned County or Place.

XIII. And be it enacted, That if any Person against whom a Warrant shall be issued in any County, Riding, Division, Liberty, City, Borough, or Place in *England* or *Wales*, by any Justice of the Peace, or by any Judge of Her Majesty's Court of Queen's Bench, or Justices of Oyer and Terminer or Gaol Delivery, for any indictable Offence, shall escape, go into, reside, or be, or be supposed or suspected to be, in any of the Isles of *Man*, *Guernsey*, *Jersey*, *Alderney*, or *Sark*, it shall be lawful for any Officer within the District into which such accused Person shall escape or go, or where he shall reside or be, or be supposed or suspected to be, who shall have Jurisdiction to issue any Warrant or Process in the Nature of a Warrant for the Apprehension of Offenders within such District, to indorse (K.) such Warrant in the Manner herein-before mentioned, or to the like Effect; or if any Person against whom any Warrant, or Process in the Nature of a Warrant, shall be issued in any of the Isles aforesaid, shall escape, go into, reside, or be, or be supposed or suspected to be, in any County, Riding, Division,
Liberty,

Liberty, City, Borough, or Place in *England* or *Wales*, it shall be lawful for any Justice of the Peace in and for the County or Place into which such Person shall escape or go, or where he shall reside or be, or be supposed or suspected to be, to indorse (K.) such Warrant or Process in manner herein-before mentioned, and every such Warrant or Process, so indorsed, shall be a sufficient Authority to the Person or Persons bringing the same, and to all Persons to whom the same respectively was originally directed, and also to all Constables and Peace Officers in the County, District, or Jurisdiction within which such Warrant or Process shall be so indorsed, to execute the same within the County, District, or Place where the Justice or Officer indorsing the same has Jurisdiction, and to convey such Offender, when apprehended, into the County or District wherein the Justice or Person who issued such Warrant or Process shall have Jurisdiction, and carry him before such Justice or Person, or before some other Justice or Person within the same County or District who shall have Jurisdiction to commit such Offender to Prison for Trial, and such Justice or Person may thereupon proceed in such and the same Manner as if the said Offender had been apprehended within his Jurisdiction.

Warrants so
indorsed to be
valid.

XIV. And be it declared and enacted, That if any Person against whom a Warrant shall be issued by any Justice of the Peace for any County or Place within *England* or *Wales* or *Ireland*, or by any Judge of Her Majesty's Court of Queen's Bench or Justice of Oyer and Terminer or Gaol Delivery in *England* or *Ireland*, for any Crime or Offence against the Laws of those Parts respectively of the United Kingdom of *Great Britain* and *Ireland*, shall escape, go into, reside, or be, or be supposed or suspected to be, in any Place in that Part of the said United Kingdom called *Scotland*, it shall be lawful for the Sheriff or Steward Depute or Substitute, or any Justice of the Peace of the County or Place where such Person or Persons shall go into, reside, or be, or be supposed or suspected to be, to indorse (K.) the said Warrant in manner herein-before mentioned, or to the like Effect, which Warrant so indorsed shall be a sufficient Authority to the Person or Persons bringing such Warrant, and to all Persons to whom such Warrant was originally directed, and also to all Sheriffs Officers, Stewards Officers, Constables, and other Peace Officers of the County or Place where such Warrant shall be so indorsed, to execute the same within the County or Place where it shall have been so indorsed, by apprehending the Person against whom such Warrant shall have been granted, and to convey him into the County or Place in *England*, *Wales*, or *Ireland* where the Justice or Justices who first issued the said Warrant shall have Jurisdiction in that Behalf, and to carry him before such Justice or Justices, or before any other Justice or Justices of the Peace of and for the same County or Place, to be there dealt with according to Law, and which said Justice or Justices are hereby authorized and required thereupon to proceed in such and the same Manner

English or
Irish Warrants
may be backed
in Scotland.

Warrants so
indorsed to be
valid.

as if the said Offender had been apprehended within his or their Jurisdiction.

Scotch Warrants may be backed in England or Ireland.

Warrants so indorsed to be valid.

XV. And be it enacted, That if any Person against whom a Warrant shall be issued by the Lord Justice General, Lord Chief Justice Clerk, or any of the Lords Commissioners of Justiciary, or by any Sheriff or Steward Depute or Substitute, or Justice of the Peace, of that Part of the United Kingdom of *Great Britain and Ireland* called *Scotland*, for any Crime or Offence against the Laws of that Part of the United Kingdom, shall escape, go into, reside, or be, or shall be supposed or suspected to be, in any County or Place in *England* or in *Ireland*, it shall be lawful for any Justice of the Peace in and for the County or Place into which such Person shall escape or go, or where he shall reside or be, or shall be supposed or suspected to be, to indorse (K.) the said Warrant in manner hereinbefore mentioned, and which said Warrant so indorsed shall be a sufficient Authority to the Person or Persons bringing the same, and to all Persons to whom the same was originally directed, and also to all Constables and other Peace Officers of the County or Place where the Justice so indorsing such Warrant shall have Jurisdiction, to execute the said Warrant in the County or Place where it is so indorsed, by apprehending the Person against whom such Warrant shall have been granted, and to convey him into the County or Place in *Scotland* next adjoining to that Part of the United Kingdom called *England*, and carry him before the Sheriff or Steward Depute or Substitute, or One of the Justices of the Peace, of such County or Place, and which said Sheriff, Steward Depute or Substitute, or Justice of the Peace, is hereby authorized and required thereupon to proceed in such and the same Manner, according to the Rules and Practice of the Law of *Scotland*, as if the said Offender had been apprehended within such County or Place in *Scotland* last aforesaid.

Power to Justices to summon Witnesses to attend and give Evidence.

XVI. And be it enacted, That if it shall be made to appear to any Justice of the Peace, by the Oath or Affirmation of any credible Person, that any Person within the Jurisdiction of such Justice is likely to give material Evidence for the Prosecution, and will not voluntarily appear for the Purpose of being examined as a Witness at the Time and Place appointed for the Examination of the Witnesses against the Accused, such Justice may and is hereby required to issue his Summons (L. 1.) to such Person, under his Hand and Seal, requiring him to be and appear at a Time and Place mentioned in such Summons before the said Justice, or before such other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place as shall then be there, to testify what he shall know concerning the Charge made against such accused Party; and if any Person so summoned shall neglect or refuse to appear at the Time and Place appointed by the said Summons, and no just Excuse shall be offered for such Neglect or Refusal, then (after Proof upon Oath or Affirmation of such

Summons

If Summons not obeyed, Warrant may be issued to compel Attendance.

Summons having been served upon such Person, either personally or by leaving the same for him with some Person at his last or most usual Place of Abode,) it shall be lawful for the Justice or Justices before whom such Person should have appeared to issue a Warrant (L. 2.) under his or their Hands and Seals to bring and have such Person at a Time and Place to be therein mentioned before the Justice who issued the said Summons, or before such other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place as shall then be there, to testify as aforesaid, and which said Warrant may, if necessary, be backed as hereinbefore is mentioned, in order to its being executed out of the Jurisdiction of the Justice who shall have issued the same; or if such Justice shall be satisfied by Evidence upon Oath or Affirmation that it is probable that such Person will not attend to give Evidence without being compelled so to do, then, instead of issuing such Summons, it shall be lawful for him to issue his Warrant (L. 3.) in the first instance, and which, if necessary, may be backed as aforesaid; and if on the Appearance of such Person so summoned before the said last-mentioned Justice or Justices, either in obedience to the said Summons or upon being brought before him or them by virtue of the said Warrant, such Person shall refuse to be examined upon Oath or Affirmation concerning the Premises, or shall refuse to take such Oath or Affirmation, or, having taken such Oath or Affirmation, shall refuse to answer such Questions concerning the Premises as shall then be put to him, without offering any just Excuse for such Refusal, any Justice of the Peace then present, and having their Jurisdiction, may by Warrant (L. 4.) under his Hand and Seal commit the Person so refusing to the Common Gaol or House of Correction for the County, Riding, Division, Liberty, City, Borough, or Place where such Person so refusing shall then be, there to remain and be imprisoned for any Time not exceeding Seven Days, unless he shall in the meantime consent to be examined and to answer concerning the Premises.

In certain Cases Warrant may be issued in the first instance.

Persons appearing on Summons, &c. refusing to be examined may be committed.

XVII. And be it enacted, That in all Cases where any Person shall appear or be brought before any Justice or Justices of the Peace charged with any indictable Offence, whether committed in *England* or *Wales*, or upon the High Seas, or on Land beyond the Sea, or whether such Person appear voluntarily upon Summons or have been apprehended, with or without Warrant, or be in Custody for the same or any other Offence, such Justice or Justices, before he or they shall commit such accused Person to Prison for Trial, or before he or they shall admit him to Bail, shall, in the Presence of such accused Person, who shall be at liberty to put Questions to any Witness produced against him, take the Statement (M.) on Oath or Affirmation of those who shall know the Facts and Circumstances of the Case, and shall put the same into Writing, and such Depositions shall be read over to and signed respectively by the Witnesses who shall have been so examined, and shall be signed also by the Justice or Justices taking the same; and the Justice

As to the Examination of Witnesses.

or

Justices to administer Oath or Affirmation.

Depositions of Persons who have died, or who are absent, may, in certain Cases, be read in Evidence.

After Examination of the Accused, Justice to read Depositions taken against him, and caution him as to any Statement he may make ;

and inform him that he has nothing to hope or fear from either Promise or Threat.

or Justices before whom any such Witness shall appear to be examined as aforesaid shall, before such Witness is examined, administer to such Witness the usual Oath or Affirmation, which such Justice or Justices shall have full Power and Authority to do; and if upon the Trial of the Person so accused as first aforesaid it shall be proved, by the Oath or Affirmation of any credible Witness, that any Person whose Deposition shall have been taken as aforesaid is dead, or so ill as not to be able to travel, and if also it be proved that such Deposition was taken in the Presence of the Person so accused, and that he or his Counsel or Attorney had a full Opportunity of cross-examining the Witness, then, if such Deposition purport to be signed by the Justice by or before whom the same purports to have been taken, it shall be lawful to read such Deposition as Evidence in such Prosecution, without further Proof thereof, unless it shall be proved that such Deposition was not in fact signed by the Justice purporting to sign the same.

XVIII. And be it enacted, That after the Examinations of all the Witnesses on the Part of the Prosecution as aforesaid shall have been completed, the Justice of the Peace or One of the Justices by or before whom such Examination shall have been so completed as aforesaid shall, without requiring the Attendance of the Witnesses, read or cause to be read to the Accused the Depositions taken against him, and shall say to him these Words, or Words to the like Effect: "Having heard the Evidence, do you wish to say any thing in answer to the Charge? you are not obliged to say any thing unless you desire to do so, but whatever you say will be taken down in Writing, and may be given in Evidence against you upon your Trial;" and whatever the Prisoner shall then say in answer thereto shall be taken down in Writing (N.), and read over to him, and shall be signed by the said Justice or Justices, and kept with the Depositions of the Witnesses, and shall be transmitted with them as herein-after mentioned, and afterwards upon the Trial of the said accused Person the same may, if necessary, be given in Evidence against him, without further Proof thereof, unless it shall be proved that the Justice or Justices purporting to sign the same did not in fact sign the same: Provided always, that the said Justice or Justices before such accused Person shall make any Statement shall state to him, and give him clearly to understand, that he has nothing to hope from any Promise of Favour, and nothing to fear from any Threat which may have been holden out to him to induce him to make any Admission or Confession of his Guilt, but that whatever he shall then say may be given in Evidence against him upon his Trial, notwithstanding such Promise or Threat: Provided nevertheless, that nothing herein enacted or contained shall prevent the Prosecutor in any Case from giving in Evidence any Admission or Confession or other Statement of the Person accused or charged, made at any Time, which by Law would be admissible as Evidence against such Person.

XIX. And

XIX. And be it declared and enacted, That the Room or Building in which such Justice or Justices shall take such Examinations and Statement as aforesaid shall not be deemed an open Court for that Purpose; and it shall be lawful for such Justice or Justices, in his or their Discretion, to order that no Person shall have Access to or be or remain in such Room or Building without the Consent or Permission of such Justice or Justices, if it appear to him or them that the Ends of Justice will be best answered by so doing.

Place where Examination taken not to be deemed an open Court, and no Person to remain without Consent.

XX. And be it enacted, That it shall be lawful for the Justice or Justices before whom any such Witness shall be examined as aforesaid to bind by Recognizance (O. 1.) the Prosecutor and every such Witness to appear at the next Court of Oyer and Terminer or Gaol Delivery, or Superior Court of a County Palatine, or Court of General or Quarter Sessions of the Peace, at which the Accused is to be tried, then and there to prosecute, or to prosecute and give Evidence, or to give Evidence, as the Case may be, against the Party accused, which said Recognizance shall particularly specify the Profession, Art, Mystery, or Trade of every such Person entering into or acknowledging the same, together with his Christian and Surname, and the Parish, Township, or Place of his Residence, and if his Residence be in a City, Town, or Borough, the Recognizance shall also particularly specify the Name of the Street, and the Number (if any) of the House in which he resides, and whether he is Owner or Tenant thereof or a Lodger therein; and the said Recognizance, being duly acknowledged by the Person so entering into the same, shall be subscribed by the Justice or Justices before whom the same shall be acknowledged, and a Notice (O. 2.) thereof, signed by the said Justice or Justices, shall at the same Time be given to the Person bound thereby; and the several Recognizances so taken, together with the written Information (if any), the Depositions, the Statement of the Accused, and the Recognizance of Bail (if any) in every such Case, shall be delivered by the said Justice or Justices, or he or they shall cause the same to be delivered, to the proper Officer of the Court in which the Trial is to be had, before or at the opening of the said Court on the First Day of the Sitting thereof, or at such other Time as the Judge, Recorder, or Justice who is to preside in such Court at the said Trial shall order and appoint: Provided always, that if any such Witness shall refuse to enter into or acknowledge such Recognizance as aforesaid it shall be lawful for such Justice or Justices of the Peace, by his or their Warrant (P. 1.), to commit him to the Common Gaol or House of Correction for the County, Riding, Division, Liberty, City, Borough, or Place in which the accused Party is to be tried, there to be imprisoned and safely kept until after the Trial of such accused Party, unless in the meantime such Witness shall duly enter into such Recognizance as aforesaid before some One Justice of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place in which such Gaol or House of Correction shall be situate: Provided nevertheless, that

Power to Justice to bind over the Prosecutors and Witnesses by Recognizance.

Recognizance, Depositions, &c. to be transmitted to the Court in which the Trial is to be had.

Witnesses refusing to enter into Recognizances may be committed.

that if afterwards, from Want of sufficient Evidence in that Behalf or other Cause, the Justice or Justices before whom such accused Party shall have been brought shall not commit him or hold him to Bail for the Offence with which he is charged, it shall be lawful for such Justice or Justices, or any other Justice or Justices of the same County, Riding, Division, Liberty, City, Borough, or Place, by his or their Order (P. 2.) in that Behalf, to order and direct the Keeper of such Common Gaol or House of Correction where such Witness shall be so in Custody to discharge him from the same, and such Keeper shall thereupon forthwith discharge him accordingly.

Power to Justice to remand the Accused from Time to Time, not exceeding Eight Days, by Warrant.

If Remand be for Three Days only, by verbal Order.

Party accused may be admitted to Bail, on the Examination being adjourned.

If Party does not appear upon Recognizance, Justice may transmit the same to the Clerk of the Peace.

XXI. And be it enacted, That if, from the Absence of Witnesses, or from any other reasonable Cause, it shall become necessary or advisable to defer the Examination or further Examination of the Witnesses for any Time, it shall be lawful to and for the Justice or Justices before whom the Accused shall appear or be brought, by his or their Warrant (Q. 1.), from Time to Time to remand the Party accused for such Time as by such Justice or Justices in their Discretion shall be deemed reasonable, not exceeding Eight clear Days, to the Common Gaol or House of Correction, or other Prison, Lock-up House, or Place of Security in the County, Riding, Division, Liberty, City, Borough, or Place for which such Justice or Justices shall then be acting; or if the Remand be for a Time not exceeding Three clear Days it shall be lawful for such Justice or Justices verbally to order the Constable or other Person in whose Custody such Party accused may then be, or any other Constable or Person to be named by the said Justice or Justices in that Behalf, to continue or keep such Party accused in his Custody, and to bring him before the same or such other Justice or Justices as shall be there acting at the Time appointed for continuing such Examination: Provided always, that any such Justice or Justices may order such accused Party to be brought before him or them, or before any other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, at any Time before the Expiration of the Time for which such accused Party shall be so remanded, and the Gaoler or Officer in whose Custody he shall then be shall duly obey such Order: Provided also, that, instead of detaining the accused Party in Custody during the Period for which he shall be so remanded, any One Justice of the Peace before whom such accused Party shall so appear or be brought as aforesaid may discharge him, upon his entering into a Recognizance (Q. 2. 3.), with or without a Surety or Sureties, at the Discretion of such Justice, conditioned for his Appearance at the Time and Place appointed for the Continuance of such Examination; and if such accused Party shall not afterwards appear at the Time and Place mentioned in such Recognizance, then the said Justice, or any other Justice of the Peace who may then and there be present, upon certifying (Q. 4.) on the Back of the Recognizance the Nonappearance of such accused Party, may transmit such Recognizance to the Clerk of the Peace of the

the County, Riding, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* Evidence of such Nonappearance of the said accused Party.

XXII. ' And whereas it often happens that a Person is charged before a Justice of the Peace with an Offence alleged to have been committed in another County or Place than that in which such Person has been apprehended or in which such Justice has Jurisdiction, and it is necessary to make Provision as to the Manner of taking the Examinations of the Witnesses, and of committing the Party accused, or admitting him to Bail, in such a Case ;' be it therefore enacted, That whenever a Person shall appear or shall be brought before a Justice or Justices of the Peace in the County, Riding, Division, Liberty, City, Borough, or Place wherein such Justice or Justices shall have Jurisdiction, charged with an Offence alleged to have been committed by him in any County or Place within *England* or *Wales* wherein such Justice or Justices shall not have Jurisdiction, it shall be lawful for such Justice or Justices and he and they are hereby required to examine such Witnesses, and receive such Evidence in Proof of such Charge as shall be produced before him or them, within his or their Jurisdiction; and if in his or their Opinion such Testimony and Evidence shall be sufficient Proof of the Charge made against such accused Party, such Justice or Justices shall thereupon commit him to the Common Gaol or House of Correction for the County, Riding, Division, Liberty, City, Borough, or Place where the Offence is alleged to have been committed, or shall admit him to Bail, as herein-after mentioned, and shall bind over the Prosecutor (if he have appeared before him or them) and the Witnesses by Recognizance accordingly, as is herein-before mentioned; but if such Testimony and Evidence shall not in the Opinion of such Justice or Justices be sufficient to put the accused Party upon his Trial for the Offence with which he is so charged, then such Justice or Justices shall bind over such Witnesses as he shall have examined, by Recognizance, to give Evidence, as herein-before is mentioned, and such Justice or Justices shall, by Warrant (R. 1.) under his or their Hand and Seal or Hands and Seals, order such accused Party to be taken before some Justice or Justices of the Peace in and for the County, Riding, Division, Liberty, City, Borough, or Place where and near unto the Place where the Offence is alleged to have been committed, and shall at the same Time deliver the Information and Complaint, and also the Depositions and Recognizances so taken by him or them, to the Constable who shall have the Execution of such last-mentioned Warrant, to be by him delivered to the Justice or Justices before whom he shall take the Accused in obedience to the said Warrant, and which said Depositions and Recognizances shall be deemed to be taken in the Case, and shall be treated to all Intents and Purposes as if they had been taken by or before the said last-mentioned Justice or Justices, and shall,

If a Person be apprehended in one County on Charge of an Offence committed in another, he may be examined in the former ;

and if Evidence be deemed sufficient, may be committed to Prison ;

if insufficient, to be brought before some Justice in the latter County.

sons charged
with other
Misdemeanors.

Certain Recog-
nizance to be
transmitted to
committing
Justices.

No Bail in
Cases of Treason
but by Order
of Secretary of
State, &c.

Where Defen-
dant entitled to
traverse.

When Justice
admits a Person
to Bail after
Commitment
a Writ of De-
liverance shall
be sent to him
if not detained
for any other
Offence.

If, after hearing
Evidence
against the
Accused, it is
not thought
sufficient to
warrant Com-
mitment he
shall be dis-
charged ;

any Justice of the Peace with any indictable Misdemeanor other than those herein-before mentioned, such Justice, after taking the Examinations in Writing as aforesaid, instead of committing him to Prison for such Offence, shall admit him to Bail in manner aforesaid, or if he have been committed to Prison, and shall apply to any One of the Visiting Justices of such Prison, or to any other Justice of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, before the First Day of the Sitting or Session at which he is to be tried, or before the Day to which such Sitting or Session may be adjourned, to be admitted to Bail, such Justice shall accordingly admit him to Bail in manner aforesaid; and in all Cases where such accused Person in Custody shall be admitted to Bail by a Justice of the Peace other than the committing Justice or Justices as aforesaid, such Justice of the Peace so admitting him to Bail shall forthwith transmit the Recognizance or Recognizances of Bail to the committing Justice or Justices, or One of them, to be by him or them transmitted, with the Examinations, to the proper Officer: Provided nevertheless, that no Justice or Justices of the Peace shall admit any Person to Bail for Treason, nor shall such Person be admitted to Bail, except by Order of One of Her Majesty's Secretaries of State, or by Her Majesty's Court of Queen's Bench at *Westminster*, or a Judge thereof in vacation: Provided also, that when, in Cases of Misdemeanor, the Defendant shall be entitled to a Traverse at the next Assizes or Quarter Sessions, and shall not be bound to take his Trial until the Second Assizes or Sessions, in every such Case the Recognizance (S. 1.) of Bail shall be conditioned that he shall appear and plead at the next Assizes or Sessions, and then traverse the Indictment, and that he shall surrender and take his Trial at such Second Assizes or Sessions, unless such accused Party shall, before he enter into such Recognizance, choose and consent to take his Trial at such First Assizes or Sessions, in which Case the Recognizance may be in the ordinary Form herein-before mentioned.

XXIV. And be it enacted, That in all Cases where a Justice or Justices of the Peace shall admit to Bail any Person who shall then be in any Prison charged with the Offence for which he shall be so admitted to Bail, such Justice or Justices shall send to or cause to be lodged with the Keeper of such Prison a Warrant of Deliverance (S. 5.) under his or their Hand and Seal or Hands and Seals, requiring the said Keeper to discharge the Person so admitted to Bail, if he be detained for no other Offence, and upon such Warrant of Deliverance being delivered to or lodged with such Keeper he shall forthwith obey the same.

XXV. And be it enacted, That when all the Evidence offered upon the Part of the Prosecution against the accused Party shall have been heard, if the Justice or Justices of the Peace then present shall be of opinion that it is not sufficient to put such accused Party upon his Trial for any indictable Offence, such Justice or Justices shall forthwith order such accused Party, if in Custody, to be discharged as to the Information then under Inquiry ;

Inquiry; but if, in the Opinion of such Justice or Justices, such Evidence is sufficient to put the accused Party upon his Trial for an indictable Offence, or if the Evidence given raise a strong or probable Presumption of the Guilt of such accused Party, then such Justice or Justices shall, by his or their Warrant (T. 1.), commit him to the Common Gaol or House of Correction for the County, Riding, Division, Liberty, City, Borough, or Place to which by Law he may now be committed, or, in the Case of an indictable Offence committed on the High Seas, or on Land beyond the Sea, to the Common Gaol of the County, Riding, Division, Liberty, City, Borough, or Place within which such Justice or Justices shall have Jurisdiction, to be there safely kept until he shall be thence delivered by due Course of Law, or admit him to Bail as herein-before mentioned.

but if Evidence considered sufficient, Justice shall, by Warrant, commit the Accused for Trial.

XXVI. And be it enacted, That the Constable or any of the Constables or other Persons to whom the said Warrant of Commitment shall be directed shall convey such accused Person therein named or described to the Gaol or other Prison mentioned in such Warrant, and there deliver him, together with such Warrant, to the Gaoler, Keeper, or Governor of such Gaol or Prison, who shall thereupon give such Constable or other Person so delivering such Prisoner into his Custody a Receipt (T. 2.) for such Prisoner, setting forth the State and Condition in which such Prisoner was when he was delivered into the Custody of such Gaoler, Keeper, or Governor; and in all Cases where such Constable or other Person shall be entitled to his Costs or Expenses for conveying such Person to such Prison as aforesaid it shall be lawful for the Justice or Justices who shall have committed the accused Party, or for any Justice of the Peace in and for the said County, Riding, Division, or other Place of exclusive Jurisdiction wherein the Offence is alleged in the said Warrant to have been committed, to ascertain the Sum which ought to be paid to such Constable or other Person for conveying such Prisoner to such Gaol or Prison, and also the Sum which should reasonably be allowed him for his Expenses in returning, and thereupon such Justice shall make an Order (T. 2.) upon the Treasurer of such County, Riding, Division, Liberty, or Place of exclusive Jurisdiction, or if such Place of exclusive Jurisdiction shall be contributory to the County Rate of any County, Riding, or Division, then upon the Treasurer of such County, Riding, or Division respectively, or, in the County of *Middlesex*, upon the Overseers of the Poor of the Parish or Place within which the Offence is alleged to have been committed, for Payment to such Constable or other Person of the Sums so ascertained to be payable to him in that Behalf; and the said Treasurer or Overseers, upon such Order being produced to him or them respectively, shall pay the Amount thereof to such Constable or other Person producing the same, or to any Person who shall present the same to him or them for Payment: Provided nevertheless, that if it shall appear to the Justice or Justices by whom any such Warrant of Commitment against such Prisoner shall be granted as aforesaid that such Prisoner

Regulations for conveying Prisoners to Gaol.

As to Payment of Costs of conveying Prisoners to Prison.

After Examinations are completed, Defendant entitled to Copies of the Depositions.

Forms in Schedule deemed valid.

Metropolitan Police Magistrates and Stipendiary Magistrates in other Places may act alone.

Nothing to affect Powers, &c. contained in 10 G. 4. c. 44. 2 & 3 Vict. c. 47. 2 & 3 Vict. c. 71. and 3 & 4 Vict. c. 84.

The Lord Mayor, or any Alderman of London, may act alone.

hath Money sufficient to pay the Expenses, or some Part thereof, of conveying him to such Gaol or Prison, it shall be lawful for such Justice or Justices, in his or their Discretion, to order such Money or a sufficient Part thereof to be applied to such Purpose.

XXVII. And be it enacted, That at any Time after all the Examinations aforesaid shall have been completed, and before the First Day of the Assizes or Sessions or other First Sitting of the Court at which any Person so committed to Prison or admitted to Bail as aforesaid is to be tried, such Person may require and shall be entitled to have, of and from the Officer or Person having the Custody of the same, Copies of the Depositions on which he shall have been committed or bailed, on Payment of a reasonable Sum for the same, not exceeding at the Rate of Three Halfpence for each Folio of Ninety Words.

XXVIII. And be it enacted, That the several Forms in the Schedule to this Act contained, or Forms to the same or the like Effect, shall be deemed good, valid, and sufficient in Law.

XXIX. And be it enacted, That any One of the Magistrates appointed or hereafter to be appointed to act at any of the Police Courts of the Metropolis, and sitting at a Police Court within the Metropolitan Police District, and every Stipendiary Magistrate appointed or to be appointed for any other City, Town, Liberty, Borough, or Place, and sitting at a Police Court or other Place appointed in that Behalf, shall have full Power to do alone whatsoever is authorized by this Act to be done by any One or more Justice or Justices of the Peace; and that the several Forms in the Schedule to this Act contained may be varied, so far as it may be necessary to render them applicable to the Police Courts aforesaid, or to the Court or other Place of sitting of such Stipendiary Magistrate; and that nothing in this Act contained shall alter or affect in any Manner whatsoever any of the Powers, Provisions, or Enactments contained in an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for improving the Police in and near the Metropolis*, or in an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for further improving the Police in and near the Metropolis*, or in an Act passed in the same Year of the Reign of Her present Majesty, intituled *An Act for regulating the Police Courts in the Metropolis*, or in an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for better defining the Powers of Justices within the Metropolitan Police District*.

XXX. And be it enacted, That it shall be lawful for the Lord Mayor of the City of London, or for any Alderman of the said City, for the Time being, sitting at the Mansion House or Guildhall Justice Rooms in the said City, to do alone any Act, at either of the said Justice Rooms, which by any Law now in force, or by any Law not containing an express Enactment to the contrary hereafter to be made, is or shall be directed to be done by more than One Justice; and that nothing in this Act

Act contained shall alter or affect in any Manner whatsoever any of the Powers, Provisions, or Enactments contained in an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for regulating the Police in the City of London*.

Nothing to affect Powers, &c. contained in 2 & 3 Vict. c. 94.

XXXI. And be it enacted, That the Chief Magistrate of the Metropolitan Police Court at *Bow Street* for the Time being shall be a Justice of the Peace of and for the County of *Berks*, if his Name be inserted in the Commission of the Peace for that County, without possessing the Qualification by Estate required by Law in that Behalf, and without taking any Oath of Qualification.

Chief Magistrate of Bow Street may be a Justice for Berks, without Qualification.

XXXII. And be it enacted, That the Town of *Berwick-upon-Tweed* shall be deemed to be within *England* for all the Purposes of this Act, but nothing in this Act shall be deemed or taken to extend to *Scotland* or *Ireland*, or to the Isles of *Man*, *Jersey*, or *Guernsey*, save and except the several Provisions respectively herein-before contained respecting the backing of Warrants, and also nothing in this Act shall be deemed to alter or affect the Jurisdiction or Practice of Her Majesty's Court of Queen's Bench.

Act to extend to Berwick-upon-Tweed, but not to Scotland, Ireland, &c., except as to backing of Warrants.

XXXIII. And be it enacted, That this Act shall commence and take effect on the Second Day of *October* in the Year of our Lord One thousand eight hundred and forty-eight.

Commencement of Act.

XXXIV. And be it enacted, That the following Statutes and Parts of Statutes shall from and after the Day on which this Act shall commence and take effect be and the same are hereby repealed; (that is to say,) a certain Act of Parliament made and passed in the Thirteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more effectual Execution of Criminal Laws in the Two Parts of the United Kingdom*; and a certain other Act made and passed in the Twenty-eighth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to enable Justices of the Peace to act as such in certain Cases out of the Limits of the Counties in which they actually are*; and so much of a certain other Act made and passed in the Forty-fourth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to render more easy the apprehending and bringing to Trial Offenders escaping from one Part of the United Kingdom to the other, and also from one County to another, as relates to the Apprehension of Offenders escaping from Ireland into England, or from England into Ireland, and to the backing of Warrants against such Offenders*; and so much of a certain other Act made and passed in the Forty-fifth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to amend Two Acts of the Thirteenth and Forty-fourth Years of His present Majesty, for the more effectual Execution of the Criminal Laws, and more easy apprehending and bringing to Trial Offenders escaping from one Part of the United Kingdom to the other, and from one County to another, as relates to the bailing of Offenders escaping from Ireland into England, or*

After Commencement of this Act the following Acts and Parts of Acts repealed.

13 G. 3. c. 31.

28 G. 3. c. 49.

44 G. 3. c. 92.

45 G. 3. c. 92.

54 G. 3. c. 186.

1 & 2 G. 4. c. 63.

3 G. 4. c. 46.

7 G. 4. c. 38.

7 G. 4. c. 64.

5 & 6 W. 4. c. 33.

6 & 7 W. 4.
c. 114.

from *England* into *Ireland*; and also a certain other Act made and passed in the Fifty-fourth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for the more easy apprehending and trying of Offenders escaping from one Part of the United Kingdom to the other*; and also a certain other Act made and passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend an Act made in the Twenty-eighth Year of the Reign of King George the Third, intituled 'An Act to enable Justices of the Peace to act as such in certain Cases out of the Limits of the Counties in which they actually are;'* and so much of a certain other Act made and passed in the Third Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated*, as relates to the Form of Recognizances, and to the Notice to be given to Persons acknowledging the same; and so much of a certain other Act made and passed in the Seventh Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to enable Commissioners for trying Offences upon the Sea, and Justices of the Peace, to take Examinations touching such Offences, and to commit to safe Custody Persons charged therewith*, as relates to the taking of such Examinations, and the Commitment of Persons so charged, by Justices of the Peace; and so much of a certain other Act made and passed in the said Seventh Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act for improving the Administration of Criminal Justice in England*, as relates to the taking of Bail in Cases of Felony, and to the taking of the Examinations and Informations against Persons charged with Felonies and Misdemeanors, and binding Persons by Recognizance to prosecute or give Evidence; and so much of a certain Act made and passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for preventing the vexatious Removal of Indictments into the Court of King's Bench, and for extending the Provisions of an Act of the Fifth Year of King William and Queen Mary, for preventing Delays at the Quarter Sessions of the Peace, to other Indictments, and for extending the Provisions of an Act of the Seventh Year of King George the Fourth as to taking Bail in Cases of Felony*, as relates to the taking of Bail in Cases of Felony; and so much of a certain other Act made and passed in the Seventh Year of the Reign of His said late Majesty King *William* the Fourth, intituled *An Act for enabling Persons indicted for Felony to make their Defence by Counsel or Attorney*, as relates to the Right of Parties charged with Offences to have Copies of the Depositions or Examinations against them; and all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act; save and except so much of the said several Acts as repeal any other Act or Parts of Acts, and also except as to Proceedings now pending to which the same or any of them are applicable.

XXXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended, &c.

SCHEDULE.

(A.)

Information and Complaint for an indictable Offence.

to wit. } The Information and Complaint of C.D. of
 } [Yeoman], taken this Day of
 in the Year of our Lord 184 before the undersigned, [One]
 of Her Majesty's Justices of the Peace in and for the said
 [County] of who saith that [&c., stating the Offence].
 Sworn before [me], the Day and Year first above mentioned,
 at J. S.

(B.)

Warrant to apprehend a Person charged with an indictable Offence.

To the Constable of and to all other Peace
 Officers in the said [County] of

WHEREAS A.B. of [Labourer] hath this Day
 been charged upon Oath before the undersigned [One] of Her
 Majesty's Justices of the Peace in and for the said County
 of for that he on at did
 [&c., stating shortly the Offence]: These are therefore to com-
 mand you, in Her Majesty's Name, forthwith to apprehend the
 said A.B., and to bring him before [me], or some other of Her
 Majesty's Justices of the Peace in and for the said [County],
 to answer unto the said Charge, and to be further dealt with
 according to Law.

Given under my Hand and Seal, [this Day of
 in the Year of our Lord at in the [County]
 aforesaid. J. S. (L.S.)

(C.)

Summons to a Person charged with an indictable Offence.

To A.B. of [Labourer].

WHEREAS you have this Day been charged before the under-
 signed, [One] of Her Majesty's Justices of the Peace in and for
 the said [County] of for that you on
 at [&c., stating shortly the Offence]: These are
 therefore to command you, in Her Majesty's Name, to be and
 appear before me on at o'Clock in
 the Forenoon at or before such other Justice or
 Justices of the Peace for the same [County] as may then be
 Y 3 there,

(F.)

Certificate of Indictment being found.

I HEREBY certify, That at [a Court of Oyer and Terminer and General Gaol Delivery, or a Court of General Quarter Sessions of the Peace,] holden in and for the [County] of
at _____ in the said [County], on _____ a Bill of
Indictment was found by the Grand Jury against A.B., therein
described as A.B. late of [Labourer], for that he
[&c., stating shortly the Offence], and that the said A.B. hath
not appeared or pleaded to the said Indictment.

Dated this _____ Day of _____ 184 .

J.D.

Clerk of the Indictments on the _____ Circuit,

or

Clerk of the Peace of and for the said [County].

(G.)

Warrant to apprehend a Person indicted.

To the Constable of _____ and to all other Peace
Officers in the said [County] of _____ .

WHEREAS it hath been duly certified by J.D., Clerk of the
Indictments on the _____ Circuit [or Clerk of the Peace of
and for the [County] of _____] [that, &c., stating the
Certificate]: These are therefore to command you, in Her
Majesty's Name, forthwith to apprehend the said A.B., and to
bring him before [me], or some other Justice or Justices of the
Peace in and for the said [County], to be dealt with according
to Law.

Given under my Hand and Seal, this _____ Day of _____
in the Year of our Lord _____ at _____ in the [County]
aforesaid. J. S. (L.S.)

(H.)

Warrant of Commitment of a Person indicted.

To the Constable of _____ and to the Keeper of the
[Common Gaol, or House of Correction,] at _____
in the said [County] of _____

WHEREAS by [my] Warrant under my Hand and Seal, dated
the _____ Day of _____ after reciting that it had
been certified by J.D. [&c., as in the Certificate], [I] com-
manded the Constable of _____ and all other Peace
Officers of the said County, in Her Majesty's Name, forthwith
to apprehend the said A.B., and to bring him before [me], the
undersigned, [One] of Her Majesty's Justices of the Peace in
and for the said [County], or before some other Justice or
Justices of the Peace in and for the said [County], to be dealt
with

with according to Law: And whereas the said *A.B.* hath been apprehended under and by virtue of the said Warrant, and being now brought before [*me*], it is hereupon duly proved to [*me*] upon Oath that the said *A.B.* is the same Person who is named and charged in and by the said Indictment: These are therefore to command you the said Constable, in Her Majesty's Name, forthwith to take and safely convey the said *A.B.* to the said [*House of Correction*] at _____ in the said [*County*], and there to deliver him to the Keeper thereof, together with this Precept; and I hereby command you the said Keeper to receive the said *A.B.* into your Custody in the said House of Correction, and him there safely to keep until he shall be thence delivered by due Course of Law.

Given under my Hand and Seal, this _____ Day of _____
in the Year of our Lord _____ at _____ in the [*County*]
aforesaid.

J.S. (L.S.)

(I.)

Warrant to detain a Person indicted who is already in Custody for another Offence.

To the Keeper of the [*Common Gaol, or House of Correction,*] at _____ in the said [*County*] of _____

WHEREAS it hath been duly certified by *J.D.*, Clerk of the Indictments on the _____ Circuit [*or Clerk of the Peace of* and for the County of _____], that [*&c., stating the Certificate*]: And whereas [*I am*] informed that the said *A.B.* is in your Custody in the said [*Common Gaol*] at aforesaid, charged with some Offence or other Matter; and it being now duly proved upon Oath before [*me*] that the said *A.B.* so indicted as aforesaid, and the said *A.B.* in your Custody as aforesaid, are one and the same Person, These are therefore to command you, in Her Majesty's Name, to detain the said *A.B.* in your Custody in the [*Common Gaol*] aforesaid until by Her Majesty's Writ of Habeas Corpus he shall be removed therefrom for the Purpose of being tried upon the said Indictment, or until he shall otherwise be removed or discharged out of your Custody by due Course of Law.

Given under my Hand and Seal, this _____ Day of _____
in the Year of our Lord _____ at _____ in the [*County*]
aforesaid.

J.S. (L.S.)

(K.)

Indorsement in backing a Warrant.

to wit. } WHEREAS Proof upon Oath hath this Day been made
for the said [*County*] of _____ before me, One of Her Majesty's Justices of the Peace
that the Name of *J.S.*, to the
within

within Warrant subscribed, is of the Handwriting of the Justice of the Peace within mentioned; I do therefore hereby authorize *W. T.*, who bringeth to me this Warrant, and all other Persons to whom this Warrant was originally directed, or by whom it may lawfully be executed, and also all Constables and other Peace Officers of the said [County] of _____ to execute the same within the said last-mentioned [County],* and to bring the said *A. B.*, if apprehended within the same [County], before me, or before some other Justice or Justices of the Peace of the same County, to be dealt with according to Law.

Given under my Hand, this _____ Day of _____ 184 .
J. L.

* *The Words following this Asterisk are to be used only where the Justice backing the Warrant shall think fit, and may be omitted in backing English Warrants in Ireland, Scotland, &c., or in backing Irish or Scotch Warrants, &c. in England.*

(L. 1.)

Summons of a Witness.

To *E. F.* of _____ [Labourer].

WHEREAS Information hath been laid before the undersigned, [One] of Her Majesty's Justices of the Peace in and for the said [County] of _____ that *A. B.* [&c., as in the Summons or Warrant against the Accused], and it hath been made to appear to me upon [Oath] that you are likely to give material Evidence for the [Prosecution]: These are therefore to require you to be and to appear before me on _____ next at o'Clock in the Forenoon at _____ or before such other Justice or Justices of the Peace for the same County as may then be there, to testify what you shall know concerning the said Charge so made against the said *A. B.* as aforesaid. Herein fail not.

Given under my Hand and Seal, this _____ Day of _____
in the Year of our Lord _____ at _____ in the [County]
aforesaid. J. S. (L. S.)

(L. 2.)

Warrant where a Witness has not obeyed a Summons.

To the Constable of _____ and to all other Peace Officers in the said [County] of _____

WHEREAS Information having been laid before the undersigned, [One] of Her Majesty's Justices of the Peace in and for the said [County] of _____ that *A. B.* [&c., as in the Summons]; and it having been made to appear to [me] upon Oath that *E. F.* of _____ [Labourer] was likely to give material Evidence for the Prosecution, I did duly issue my Summons to the said *E. F.*, requiring him to be and appear before me on _____ at _____ or before such other Justice or Justices of the Peace for _____

for the same County as might then be there, to testify what he should know respecting the said Charge so made against the said *A. B.* as aforesaid: And whereas Proof hath this Day been made before me upon Oath of such Summons having been duly served upon the said *E. F.*: And whereas the said *E. F.* hath neglected to appear at the Time and Place appointed by the said Summons, and no just Excuse has been offered for such Neglect: These are therefore to command you to bring and have the said *E. F.* before me on _____ at _____ o'Clock in the Forenoon at _____ or before such other Justice or Justices of the Peace for the same [*County*] as may then be there, to testify what he shall know concerning the said Charge so made against the said *A. B.* as aforesaid.

Given under my Hand and Seal, this _____ Day of _____
in the Year of our Lord _____ at _____ in the [*County*]
aforesaid.

J.S. (L.S.)

(L. 3.)

Warrant for a Witness in the first instance.

To the Constable of _____ and to all other Peace
Officers in the said [*County*] of _____

WHEREAS Information hath been laid before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of _____ that [*&c., as in Summons*]; and it having been made to appear to [*me*] upon Oath that *E. F.* of [*Labourer*] is likely to give material Evidence for the Prosecution, and that it is probable that the said *E. F.* will not attend to give Evidence without being compelled so to do, These are therefore to command you to bring and have the said *E. F.* before me on _____ at _____ o'Clock in the Forenoon at _____ or before such other Justice or Justices of the Peace for the same [*County*] as may then be there, to testify what he shall know concerning the said Charge so made against the said *A. B.* as aforesaid.

Given under my Hand and Seal, this _____ Day of _____
in the Year of our Lord _____ at _____ in the [*County*]
aforesaid.

J.S. (L.S.)

(L. 4.)

Warrant of Commitment of a Witness for refusing to be sworn or to give Evidence.

To the Constable of _____ and to the Keeper of the
[*House of Correction*] at _____ in the said [*County*]
of _____

WHEREAS *A. B.* was lately charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of _____ for that [*&c., as in the Summons*];
and

and it having been made to appear to [me] upon Oath that *E.F.* of _____ was likely to give material Evidence for the Prosecution, I duly issued my Summons to the said *E.F.*, requiring him to be and appear before me on _____ at _____ or before such other Justice or Justices of the Peace as should then be there, to testify what he should know concerning the said Charge so made against the said *A.B.* as aforesaid; and the said *E.F.* now appearing before me [or being brought before me by virtue of a Warrant in that Behalf, to testify as aforesaid], and being required to make Oath or Affirmation as a Witness in that Behalf, hath now refused so to do [or being duly sworn as a Witness doth now refuse to answer certain Questions concerning the Premises which are here put to him], without offering any just Excuse for such his Refusal: These are therefore to command you the said Constable to take the said *E.F.*, and him safely to convey to the [House of Correction] at _____ in the County aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said [House of Correction] to receive the said *E.F.* into your Custody in the said [House of Correction], and him there safely keep for the Space of _____ Days for his said Contempt, unless he shall in the meantime consent to be examined and to answer concerning the Premises; and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this _____ Day of _____
in the Year of our Lord _____ at _____ in the [County]
aforesaid. J.S. (L.S.)

(M.)

Depositions of Witnesses.

to wit. } The Examination of *C.D.* of _____ [Farmer] and
 } *E.F.* of _____ [Labourer], taken on [Oath] this
 Day of _____ in the Year of our
 Lord _____ at _____ in the [County] aforesaid,
before the undersigned, [One] of Her Majesty's Justices
of the Peace for the said [County], in the Presence
and Hearing of *A.B.*, who is charged this Day before
[me], for that he the said *A.B.* on _____ at _____
[&c., describing the Offence as in a Warrant
of Commitment].

THIS Deponent *C.D.* on his [Oath] saith as follows [&c., stating the Deposition of the Witness as nearly as possible in the Words he uses. When his Deposition is complete let him sign it].

And this Deponent *E.F.*, upon his Oath, saith as follows [&c.]

The above Depositions of *C.D.* and *E.F.* were taken and
[sworn] before me at _____ on the Day and Year first
above mentioned. J.S.

(N.)

(N.)

Statement of the Accused.

: *A.B.* stands charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the [*County*] aforesaid, this Day of in the Year of our Lord for that he the said *A.B.* on at [*&c., as in the Caption of the Depositions*]; and the said Charge being read to the said *A.B.*, and the Witnesses for the Prosecution, *C.D.* and *E.F.*, being severally examined in his Presence, the said *A.B.* is now addressed by me as follows: "Having heard the Evidence, do you wish to say any thing in answer to the Charge? you are not obliged to say anything unless you desire to do so; but whatever you say will be taken down in Writing, and may be given in Evidence against you upon your Trial;" whereupon the said *A.B.* saith as follows:

[*Here state whatever the Prisoner may say, and in his very Words, as nearly as possible. Get him to sign it if he will.*]

A.B.

Taken before me at
above mentioned.

the Day and Year first
J.S.

(O. 1.)

Recognizance to prosecute or give Evidence.

: BE it remembered, That on the Day of in the Year of our Lord *C.D.* of in the Township of in the said County, *Farmer*, [*or C.D. of No. 2, Street in the Parish of in the Borough of Surgeon, of which said House he is Tenant,*] personally came before me, One of Her Majesty's Justices of the Peace for the said County, and acknowledged himself to owe to our Sovereign Lady the Queen the Sum of of good and lawful Money of Great Britain, to be made and levied of his Goods and Chattels, Lands and Tenements, to the Use of our said Lady the Queen, Her Heirs and Successors, if he the said *C.D.* shall fail in the Condition endorsed.

Taken and acknowledged, the Day and Year first above mentioned, at before me *J.S.*

Condition to prosecute.

The Condition of the within-written Recognizance is such, That whereas one *A.B.* was this Day charged before me *J.S.*, Justice of the Peace within mentioned, for that [*&c., as in the Caption of the Depositions*]; if therefore he the said *C.D.* shall appear at the next Court of Oyer and Terminer or General Gaol Delivery [*or at the next Court of General Quarter Sessions of the Peace*] to be holden in and for the [*County*] of

of * and there prefer or cause to be preferred a Bill of Indictment for the Offence aforesaid against the said *A.B.*, and there also duly prosecute such Indictment, then the said Recognizance to be void, or else to stand in full force and virtue.

Condition to prosecute and give Evidence.

Same as the last Form to the Asterisk*, and then thus:—"and there prefer or cause to be preferred a Bill of Indictment against the said *A.B.* for the Offence aforesaid, and duly prosecute such Indictment, and give Evidence thereon as well to the Jurors who shall then inquire of the said Offence as also to them who shall pass upon the Trial of the said *A.B.*, then the said Recognizance to be void, or else to stand in full force and virtue."

Condition to give Evidence.

Same as the last Form but One to the Asterisk*, and then thus:—"and there give such Evidence as he knoweth upon a Bill of Indictment to be then and there preferred against the said *A.B.* for the Offence aforesaid, as well to the Jurors who shall there inquire of the said Offence as also to the Jurors who shall pass upon the Trial of the said *A.B.* if the said Bill shall be found a true Bill, then the said Recognizance to be void, or else to stand in full force and virtue."

(O. 2.)

Notice of the said Recognizance to be given to the Prosecutor and his Witnesses.

to wit. } TAKE notice, That you *C.D.* of
are bound in the Sum of to appear
at the next Court of [*General Quarter Sessions of the Peace*] in
and for the County of to be holden at
in the said County, and then and there [*prosecute and*] give
Evidence against *A.B.*; and unless you then appear there, and
[*prosecute and*] give Evidence accordingly, the Recognizance
entered into by you will be forthwith levied on you. Dated
this Day of 184 .

J.S.

(P. 1.)

Commitment of Witness for refusing to enter into the Recognizance.

To the Constable of and to the Keeper
of the [*House of Correction*] at in the
said [*County*] of .

WHEREAS *A.B.* was lately charged before the undersigned,
[*One*] of Her Majesty's Justices of the Peace in and for the
said

said [County] of for that [&c., as in the Summons to the Witness]; and it having been made to appear to [me] upon Oath that E.F. of was likely to give material Evidence for the Prosecution, [I] duly issued [my Summons to the said E.F., requiring him to be and appear] before [me] on at or before such other Justice or Justices of the Peace as should then be there, to testify what he should know concerning the said Charge so made against the said A.B. as aforesaid; and the said E.F. now appearing before [me], [or being brought before [me] by virtue of a Warrant in that Behalf, to testify as aforesaid,] hath been now examined by [me] touching the Premises, but being by [me] required to enter into a Recognizance conditioned to give Evidence against the said A.B. hath now refused so to do: These are therefore to command you the said Constable to take the said E.F., and him safely to convey to the [House of Correction] at in the [County] aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said [House of Correction] to receive the said E.F. into your Custody in the said House of Correction, there safely keep him until after the Trial of the said Offence aforesaid, unless in the meantime he duly enter into such Recognizance as aforesaid of Pounds, before some One Peace for the said [County], conditioned in the appear at the next Court of [Oyer and Term Gaol Delivery, or General Quarter Sessions of be holden in and for the [County] of to give Evidence before the Grand Jury upon Indictment which may then and there be preferred against the said A.B. for the Offence aforesaid, and also to appear upon the Trial of the said A.B. for the said Offence, as in and by the Bill should be found against him for the same.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [County] aforesaid.

(P. 2.)

Subsequent Order to discharge the Witness.

To the Keeper of the [House of Correction] at in the [County] of

WHEREAS by [my] Order dated the Day of [instant], reciting that A.B. was lately before them, charged before [me] for a certain Offence therein mentioned, and that E.F. having appeared before me, and being examined as a Witness for the Prosecution in that Behalf, refused to enter into a Recognizance to give Evidence against the said A.B., and I therefore thereby committed the said E.F. to your Custody, and required you safely to keep him until after

after the Trial of the said *A.B.* for the Offence aforesaid, unless in the meantime he should enter into such Recognizance as aforesaid: And whereas for Want of sufficient Evidence against the said *A.B.* the said *A.B.* has not been committed or holden to Bail for the said Offence, but on the contrary thereof has been since discharged, and it is therefore not necessary that the said *E.F.* should be detained longer in your Custody: These are therefore to order and direct you the said Keeper to discharge the said *E.F.* out of your Custody as to the said Commitment, and suffer him to go at large.

Given under [*my*] Hand and Seal, this Day
of in the Year of our Lord at
in the [*County*] aforesaid.

J.S. (L.S.)

(Q. 1.)

Warrant remanding a Prisoner.

To the Constable of and to the [*Keeper of*
House of Correction] at in the said [*County*]
of

WHEREAS *A.B.* was this Day charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Warrant to apprehend*]; and it appears to me to be necessary to remand the said *A.B.*: These are therefore to command you the said Constable, in Her Majesty's Name, forthwith to convey the said *A.B.* to the [*House of Correction*] at in the said [*County*], and there to deliver him to the Keeper thereof, together with this Precept; and *I* hereby command you the said Keeper to receive the said *A.B.* into your Custody in the said House of Correction, and there safely keep him until the Day of instant, when *I* hereby command you to have him at at o'Clock in the Forenoon of the same Day before *me*, or before such other Justice or Justices of the Peace for the said [*County*] as may then be there, to answer further to the said Charge, and to be further dealt with according to Law, unless you shall be otherwise ordered in the meantime.

Given under my Hand and Seal, this Day of
in the Year of our Lord at in the [*County*]
aforesaid.

J. S. (L.S.)

(Q. 2.)

Recognizance of Bail instead of Remand, on an Adjournment of Examination.

: Be it remembered, That on the Day
of in the Year of our Lord *A.B.*
of *Labourer, L.M.* of *Grocer, and*
N.O.

in the said County of *C.*, a Distance of Miles, and produced the said *A.B.* before me *S.P.*, One of Her Majesty's Justices of the Peace in and for the said County of *C.*, and delivered him into the Custody of by [*my*] Direction, to answer to the said Charge, and further to be dealt with according to Law: And whereas the said *W.T.* hath also delivered to [*me*] the said Warrant, together with the Information in that Behalf, and also the Deposition of *C.D.* in the said Warrant mentioned, and hath proved to [*me*] upon Oath the Handwriting of the said *J.S.* subscribed to the same: And whereas [*I*] have ascertained that the Sum which ought to be paid to the said *W.T.* for conveying the said *A.B.* from the said County of *A.* to the said County of *C.*, and taking him before [*me*], is the Sum of and that the reasonable Expenses of the said *W.T.* in returning will amount to the further Sum of making together the Sum of : These are therefore to order you, as such Treasurer of the said County of *C.*, to pay unto the said *W.T.* the said Sum of according to the Form of the Statute in such Case made and provided, for which Payment this Order shall be your sufficient Voucher and Authority.

Given under my Hand, this Day of 184 .
J.P.

(S. 1.)

Recognizance of Bail.

BE it remembered, That on the Day of in the Year of our Lord *A.B.* of *Labourer, L.M.* of *Grocer, and N.O.* of *Butcher*, personally came before [*us*] the undersigned, Two of Her Majesty's Justices of the Peace for the said [*County*], and severally acknowledged themselves to owe to our Lady the Queen the several Sums following; (that is to say,) the said *A.B.* the Sum of and the said *L.M.* and *N.O.* the Sum of each, of good and lawful Money of Great Britain, to be made and levied of their several Goods and Chattels, Lands and Tenements respectively, to the Use of our said Lady the Queen, Her Heirs and Successors, if he the said *A.B.* fail in the Condition endorsed.

Taken and acknowledged, the Day and Year first above mentioned at before us,

J.S.
J.N.

Condition in ordinary Cases.

The Condition of the within-written Recognizance is such, That whereas the said *A.B.* was this Day charged before [*us*], the Justices within mentioned, for that [*&c., as in the Warrant*]; if therefore the said *A.B.* will appear at the next Court of Oyer and Terminer and General Gaol Delivery [*or Court of General*

General Quarter Sessions of the Peace] to be holden in and for the County of _____ and there surrender himself into the Custody of the Keeper of the [Common Gaol] there, and plead to such Indictment as may be found against him by the Grand Jury, for or in respect of the Charge aforesaid, and take his Trial upon the same, and not depart the said Court without Leave, then the said Recognizance to be void, or else to stand in full force and virtue.

Condition where the Defendant is entitled to a Traverse.

The Condition of the within-written Recognizance is such, That whereas the said *A.B.* was this Day charged before [me], the Justice within mentioned, for that [&c., as in the Warrant or Summons]; if therefore the said *A.B.* will appear at the next Court of General Quarter Sessions of the Peace [or Court of Oyer and Terminer and General Gaol Delivery] to be holden in and for the County of _____ and there plead to such Indictment as may be found against him by the Grand Jury for or in respect of the Charge aforesaid, and shall afterwards at the then next Court of General Quarter Sessions of the Peace [or Court of Oyer and Terminer and General Gaol Delivery] surrender himself into the Custody of the Keeper of the [House of Correction] there, and take his Trial upon the said Indictment, and not depart the said Court without Leave, then the said Recognizance to be void, or else to stand in full force and virtue.

(S. 2.)

Notice of the said Recognizance to be given to the Accused and his Bail.

TAKE notice, That you *A.B.* of _____ are bound in the Sum of _____ and your [Sureties *L.M. and N.O.*] in the Sum of _____ each, that you *A.B.* appear, &c., [as in the Condition of the Recognizance], and not depart the said Court without Leave; and unless you the said *A.B.* personally appear and plead, and take your Trial accordingly, the Recognizance entered into by you and your Sureties shall be forthwith levied on you and them.

Dated this

Day of

184 .

J. S.

(S. 3.)

Certificate of Consent to Bail by the committing Justice endorsed on the Commitment.

I HEREBY certify, That I consent to the within-named *A.B.* being bailed by Recognizance himself in _____ and [Two] Sureties in _____ each.

J. S.

(S. 4.)

The like, on a separate Paper.

WHEREAS *A.B.* was on the committed by me
to the [*House of Correction*] at charged with [*&c.*,
naming the Offence shortly].

I hereby certify, That I consent to the said *A.B.* being
bailed by Recognizance, himself in and [*Two*]
Sureties in each. Dated the Day
of 184 .

J.S.

(S. 5.)

*Warrant of Deliverance on Bail being given for a Prisoner
already committed.*

To the Keeper of the [*House of Correction*] at
in the said [*County*] of

WHEREAS *A.B.*, late of *Labourer*, hath before
[*us, Two*] of Her Majesty's Justices of the Peace in and for
the said County, entered into his own Recognizance, and found
sufficient Sureties for his Appearance at the next Court of
Oyer and Terminer and General Gaol Delivery [*or Court of*
General Quarter Sessions of the Peace] to be holden in and
for the County of to answer our Sovereign Lady
the Queen, for that [*&c., as in the Commitment*], for which he
was taken and committed to your said [*House of Correction*]:
These are therefore to command you, in Her said Majesty's
Name, that if the said *A.B.* do remain in your Custody in the
said [*House of Correction*] for the said Cause, and for no other,
you shall forthwith suffer him to go at large.

Given under our Hands and Seals, this Day
of in the Year of our Lord at
in the [*County*] aforesaid.

J.S. (L.S.)

J.N. (L.S.)

(T. 1.)

Warrant of Commitment.

To the Constable of and to the Keeper of the
[*House of Correction*] at in the said [*County*] of

WHEREAS *A.B.* was this Day charged before me, J.S., One
of Her Majesty's Justices of the Peace in and for the said
[*County*] of on the Oath of C.D. of
Farmer, and others, for that [*&c., stating shortly the Offence*]:
These are therefore to command you the said Constable of
to take the said *A.B.*, and him safely to convey to the [*House of*
Correction] at aforesaid, and there to deliver him to
the Keeper thereof, together with this Precept; and I do hereby
command

in returning will amount to the further Sum of
 making together the Sum of : These are therefore to
 order you, as such Treasurer of the said County of
 to pay unto the said *W.T.* the said Sum of according
 to the Form of the Statute in such Case made and provided, for
 which Payment this Order shall be your sufficient Voucher and
 Authority.

Given under my Hand, this Day of 184 .
J.P.

Received the Day of 184 of the Treasurer
 of the [County] of the Sum of being the
 Amount of the above Order.

£

CAP. XLIII.

An Act to facilitate the Performance of the Duties of
 Justices of the Peace out of Sessions, within *England*
 and *Wales*, with respect to summary Convictions
 and Orders. [14th August 1848.]

‘ WHEREAS it would conduce much to the Improvement
 ‘ of the Administration of Justice within *England* and
 ‘ *Wales*, so far as respects summary Convictions, and Orders
 ‘ to be made by Her Majesty’s Justices of the Peace therein, if
 ‘ the several Statutes and Parts of Statutes relating to the
 ‘ Duties of such Justices in respect of such summary Convictions
 ‘ and Orders were consolidated, with such Additions and Alter-
 ‘ ations as may be deemed necessary, and that such Duties should
 ‘ be clearly defined by such positive Enactment:’ Be it therefore
 declared and enacted by the Queen’s most Excellent Majesty,
 by and with the Advice and Consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled,
 and by the Authority of the same, That in all Cases where an
 Information shall be laid before One or more of Her Majesty’s
 Justices of the Peace for any County, Riding, Division, Liberty,
 City, Borough, or Place within *England* or *Wales*, that any
 Person has committed or is suspected to have committed any
 Offence or Act within the Jurisdiction of such Justice or Justices
 for which he is liable by Law, upon a summary Conviction for
 the same before a Justice or Justices of the Peace, to be impris-
 oned or fined, or otherwise punished, and also in all Cases where
 a Complaint shall be made to any such Justice or Justices upon
 which he or they have or shall have Authority by Law to make
 any Order for the Payment of Money or otherwise, then and in
 every such Case it shall be lawful for such Justice or Justices of
 the Peace to issue his or their Summons (A.) directed to such
 Person, stating shortly the Matter of such Information or Com-
 plaint, and requiring him to appear at a certain Time and Place
 before the same Justice or Justices, or before such other Justice
 or Justices of the same County, Riding, Division, Liberty, City,
 Borough, or Place as shall then be there, to answer to the said
 Information

In all Cases
 where Informa-
 tion shall be
 laid or Com-
 plaint made of
 Offences com-
 mitted, Justices
 may issue Sum-
 mons to Persons
 to answer the
 same.

Information or Complaint, and to be further dealt with according to Law; and every such Summons shall be served by a Constable or other Peace Officer, or other Person to whom the same shall be delivered, upon the Person to whom it is so directed, by delivering the same to the Party personally, or by leaving the same with some Person for him at his last or most usual Place of Abode; and the Constable, Peace Officer, or Person who shall serve the same in manner aforesaid shall attend at the Time and Place and before the Justices in the said Summons mentioned, to depose, if necessary, to the Service of the said Summons: Provided always, that nothing herein mentioned shall oblige any Justice or Justices of the Peace to issue any such Summons in any Case where the Application for any Order of Justices is by Law to be made *ex parte*: Provided also, that no Objection shall be taken or allowed to any Information, Complaint, or Summons, for any alleged Defect therein in Substance or in Form, or for any Variance between such Information, Complaint, or Summons and the Evidence adduced on the Part of the Informant or Complainant at the hearing of such Information or Complaint as herein-after mentioned; but if any such Variance shall appear to the Justice or Justices present and acting at such hearing to be such that the Party so summoned and appearing has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the hearing of the Case to some future Day.

How Summons
to be served.

Justices not
obliged to issue
Summonses in
certain Cases.
No Objection
allowed for
Want of Form.

II. And be it enacted, That if the Person so served with a Summons as aforesaid shall not be and appear before the Justice or Justices at the Time and Place mentioned in such Summons, and it shall be made to appear to such Justice or Justices, by Oath or Affirmation, that such Summons was so served what shall be deemed by such Justice or Justices to be a reasonable Time before the Time therein appointed for appearing to the same, then it shall be lawful for such Justice or Justices, if he or they shall think fit, upon Oath or Affirmation being made before him or them substantiating the Matter of such Information or Complaint to his or their Satisfaction, to issue his or their Warrant (B.) to apprehend the Party so summoned, and to bring him before the same Justice or Justices, or before some other Justice or Justices of the Peace in and for the same County, Riding, Division, Liberty, City, Borough or Place, to answer to the said Information or Complaint, and to be further dealt with according to Law; or upon such Information being laid as aforesaid for any Offence punishable on Conviction the Justice or Justices before whom such Information shall have been laid may, if he or they shall think fit, upon Oath or Affirmation being made before him or them substantiating the Matter of such Information to his or their Satisfaction, instead of issuing such Summons as aforesaid, issue in the first instance his or their Warrant (C.) for apprehending the Person against whom such Information shall have been so laid, and bringing him before the same Justice or Justices, or before some other Justice or Justices of the Peace in and for

If Summons be
not obeyed,
Justices may
issue Warrant;

or may issue
Warrant in the
first instance;

or if Summons, having been duly served, be not obeyed, the Justices may proceed *ex parte*.

Form of Warrant.

Where and how Warrant may be executed.

the same County, Riding, Division, Liberty, City, Borough, or Place, to answer to the said Information, and to be further dealt with according to Law; or if, where a Summons shall be so issued as aforesaid, and upon the Day and at the Place appointed in and by the said Summons for the Appearance of the Party so summoned, such Party shall fail to appear accordingly in obedience to such Summons, then and in every such Case, if it be proved upon Oath or Affirmation to the Justice or Justices then present that such Summons was duly served upon such Party a reasonable Time before the Time so appointed for his Appearance as aforesaid, it shall be lawful for such Justice or Justices of the Peace to proceed *ex parte* to the hearing of such Information or Complaint, and to adjudicate thereon, as fully and effectually, to all Intents and Purposes, as if such Party had personally appeared before him or them in obedience to the said Summons.

III. And be it enacted, That every such Warrant to apprehend a Defendant, that he may answer to any such Information or Complaint as aforesaid, shall be under the Hand and Seal or Hands and Seals of the Justice or Justices issuing the same, and may be directed either to any Constable or other Person by Name, or generally to the Constable of the Parish or other District within which the same is to be executed, without naming him, or to such Constable and all other Constables within the County or other District within which the Justice or Justices issuing such Warrant hath or have Jurisdiction, or generally to all the Constables within such last-mentioned County or District, and it shall state shortly the Matter of the Information or Complaint on which it is founded, and shall name or otherwise describe the Person against whom it has been issued, and it shall order the Constable or other Person to whom it is directed to apprehend the said Defendant, and to bring him before One or more Justice or Justices of the Peace (as the Case may require) of the same County, Riding, Division, Liberty, City, Borough, or Place, to answer to the said Information or Complaint, and to be further dealt with according to Law; and that it shall not be necessary to make such Warrant returnable at any particular Time, but the same may remain in full force until it shall be executed; and such Warrant may be executed by apprehending the Defendant at any Place within the County, Riding, Division, Liberty, City, Borough, or Place within which the Justices issuing the same shall have Jurisdiction, or, in case of fresh Pursuit, at any Place in the next adjoining County or Place within Seven Miles of the Border of such first-mentioned County, Riding, Division, Liberty, City, Borough, or Place, without having such Warrant backed as herein-after mentioned; and in all Cases where such Warrant shall be directed to all Constables or Peace Officers within the County or other District within which the Justice or Justices issuing the same shall have Jurisdiction, it shall be lawful for any Constable, Headborough, Tithingman, Bors-holder, or other Peace Officer for any Parish, Township, Hamlet,

Hamlet, or Place situate within the Limits of the Jurisdiction for which such Justice or Justices shall have acted when he or they granted such Warrant, to execute such Warrant in like Manner as if such Warrant were directed specially to such Constable by Name, and notwithstanding that the Place in which such Warrant shall be executed shall not be within the Parish, Township, Hamlet, or Place for which he shall be such Constable, Headborough, Tithingman, Borsholder, or other Peace Officer; and such of the Provisions and Enactments contained in a certain Act of Parliament made and passed in this present Session of Parliament, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to Persons charged with indictable Offences*, as to the backing of any Warrant, and the Indorsement thereon by a Justice of the Peace or other Officer, authorizing the Person bringing such Warrant, and all other Persons to whom the same was originally directed, to execute the same within the Jurisdiction of the Justice or Officer so making such Indorsement, as are applicable to the Provisions of this Act, shall extend to all such Warrants, and to all Warrants of Commitment issued under and by virtue of this Act, in as full and ample a Manner as if the said several Provisions and Enactments were here repeated and made Parts of this Act: Provided always, that no Objection shall be taken or allowed to any such Warrant to apprehend a Defendant so issued upon any such Information or Complaint as aforesaid under or by virtue of this Act, for any alleged Defect therein in Substance or in Form, or for any Variance between it and the Evidence adduced on the Part of the Informant or Complainant as herein-after mentioned; but if any such Variance shall appear to the Justice or Justices present and acting at such Hearing to be such that the Party so apprehended under such Warrant has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the hearing of the Case to some future Day, and in the meantime to commit (D.) the said Defendant to the House of Correction or other Prison, Lock-up House, or Place of Security, or to such other Custody as the said Justice or Justices shall think fit, or to discharge him upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices, conditioned for his Appearance at the Time and Place to which such hearing shall be so adjourned: Provided always, that in all Cases where a Defendant shall be discharged upon Recognizance as aforesaid, and shall not afterwards appear at the Time and Place in such Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) upon the Back of the said Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which such Recognizance

Certain Provisions of 11 & 12 Vict. c. 42. as to backing of Warrants to extend to Warrants issued under this Act.

No Objection allowed for Want of Form in the Warrant, or for any Variance, &c.; but if the Party charged is deceived by the Variation, he may be committed or discharged upon Recognizance;

but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

zance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* Evidence of such Nonappearance of the said Defendant.

Description of
the Property of
Partners, &c. ;

IV. And be it enacted, That in any Information or Complaint, or the Proceedings thereon, in which it shall be necessary to state the Ownership of any Property belonging to or in the Possession of Partners, Joint Tenants, Parceners, or Tenants in Common, it shall be sufficient to name one of such Persons, and to state the Property to belong to the Person so named and another or others, as the Case may be, and whenever in any Information or Complaint, or the Proceedings thereon, it shall be necessary to mention, for any Purpose whatsoever, any Partners, Joint Tenants, Parceners, or Tenants in common, it shall be sufficient to describe them in manner aforesaid ; and whenever in any such Information or Complaint, or the Proceedings thereon, it shall be necessary to describe the Ownership of any Work or Building made, maintained, or repaired at the Expense of any County, Riding, Division, Liberty, City, Borough, or Place, or of any Materials for the making, altering, or repairing of the same, they may be therein described as the Property of the Inhabitants of such County, Riding, Division, Liberty, City, Borough, or Place respectively ; and all Goods provided by Parish Officers for the Use of the Poor may in any such Information or Complaint, or the Proceedings thereon, be described as the Goods of the Churchwardens and Overseers of the Poor of the Parish, or of the Overseers of the Poor of the Township or Hamlet, or of the Guardians of the Poor of the Union to which the same belong, without naming any of them ; and all Materials and Tools provided for the Repair of Highways at the Expense of Parishes or other Districts in which such Highways may be situate may be therein described as the Property of the Surveyor or Surveyors of such Highways respectively, without naming him or them ; and all Materials or Tools provided for making or repairing any Turnpike Road, and Buildings, Gates, Lamps, Boards, Stones, Posts, Fences, or other Things erected or provided for the Purpose of any such Turnpike Road, may be described as the Property of the Commissioners or Trustees of such Turnpike Road, without naming them ; and all Property of the Commissioners of Sewers of any District may be described as the Property of such Commissioners, without naming them.

of the Property
of Counties ;

of the Property
in Goods pro-
vided for the
Poor ;

of the Property
in Materials for
Parish Roads ;

of the Property
in Materials
for Turnpike
Roads, &c. ;

of the Property
of Commission-
ers of Sewers.

Prosecution
and Punish-
ment of Aiders
and Abettors
in the Com-
mission of Of-
fences.

V. And be it enacted, That every Person who shall aid, abet, counsel, or procure the Commission of any Offence which is or hereafter shall be punishable on summary Conviction shall be liable to be proceeded against and convicted for the same, either together with the principal Offender, or before or after his Conviction, and shall be liable on Conviction to the same Forfeiture and Punishment as such principal Offender is or shall be by Law liable, and may be proceeded against and convicted either in the County, Riding, Division, Liberty, City, Borough, or Place where such principal Offender may be con-

victed,

victed, or in that in which such Offence of aiding, abetting, counselling, or procuring may have been committed.

VI. And be it enacted, That such of the Provisions and Enactments in the Act aforesaid made and passed in this present Session of Parliament, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to Persons charged with indictable Offences*, whereby a Justice of the Peace for one County, Riding, Division, Liberty, City, Borough, or Place may act for the same whilst residing or being in an adjoining County, Riding, Division, Liberty, City, Borough, or Place of which he is also a Justice of the Peace, or whereby a Justice of the Peace for any County at large, Riding, Division, or Liberty may act as such within any City, Town, or Precinct next adjoining thereto or surrounded thereby, being a County of itself or otherwise having exclusive Jurisdiction, as are applicable to the Provisions of this Act, shall be deemed to be incorporated into this Act, and to extend to all Acts required of or to be performed by Justices of the Peace under or by virtue of this Act, in as full and ample a Manner as if the said Provisions and Enactments were here repeated and made Parts of this Act.

Provisions of 11 & 12 Vict. c. 42. as to Justices in one County, &c. acting for another to extend to this Act.

VII. And be it enacted, That if it shall be made to appear to any Justice of the Peace, by the Oath or Affirmation of any credible Person, that any Person within the Jurisdiction of such Justice is likely to give material Evidence in behalf of the Prosecutor or Complainant or Defendant, and will not voluntarily appear for the Purpose of being examined as a Witness at the Time and Place appointed for the hearing of such Information or Complaint, such Justice may and is hereby required to issue his Summons (G. 1.) to such Person under his Hand and Seal, requiring him to be and appear at a Time and Place mentioned in such Summons before the said Justice, or before such other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place as shall then be there, to testify what he shall know concerning the Matter of the said Information or Complaint; and if any Person so summoned shall neglect or refuse to appear at the Time and Place appointed by the said Summons, and no just Excuse shall be offered for such Neglect or Refusal, then (after Proof upon Oath or Affirmation of such Summons having been served upon such Person, either personally or by leaving the same for him with some Person at his last or most usual Place of Abode, and that a reasonable Sum was paid or tendered to him for his Costs and Expenses in that Behalf,) it shall be lawful for the Justice or Justices before whom such Person should have appeared to issue a Warrant (G. 2.) under his or their Hands and Seals to bring and have such Person, at a Time and Place to be therein mentioned, before the Justice who issued the said Summons, or before such other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place as shall then be there, to testify

Power to Justice to summon Witnesses to attend and give Evidence;

If Summons be not obeyed, Justices may issue Warrant;

Cap. 43. *Administration of Justice (No. 2.)* 11 & 12 VICT.

In certain Cases may issue Warrant in the first instance.

Persons appearing on Summons, &c. refusing to be examined, may be committed.

Complaints for an Order need not be in Writing.

As to Proceedings upon Informations for Offences punishable on summary Convictions.

The Party charged, if deceived by Variation between Information and Evidence, may be committed or discharged

testify as aforesaid, and which said Warrant may, if necessary, be backed as herein-before is mentioned, in order to its being executed out of the Jurisdiction of the Justice who shall have issued the same; or if such Justice shall be satisfied by Evidence upon Oath or Affirmation, that it is probable that such Person will not attend to give Evidence without being compelled so to do, then, instead of issuing such Summons, it shall be lawful for him to issue his Warrant (G. 3.) in the first instance, and which, if necessary, may be backed as aforesaid; and if on the Appearance of such Person so summoned before the said last-mentioned Justice or Justices, either in obedience to the said Summons or upon being brought before him or them by virtue of the said Warrant, such Person shall refuse to be examined upon Oath or Affirmation concerning the Premises, or shall refuse to take such Oath or Affirmation, or, having taken such Oath or Affirmation, shall refuse to answer such Questions concerning the Premises as shall then be put to him, without offering any just Excuse for such Refusal, any Justice of the Peace then present, and having there Jurisdiction, may by Warrant (G. 4.) under his Hand and Seal commit the Person so refusing to the Common Gaol or House of Correction for the County, Riding, Division, Liberty, City, Borough, or Place where such Person so refusing shall then be, there to remain and be imprisoned for any Time not exceeding Seven Days, unless he shall in the meantime consent to be examined and to answer concerning the Premises.

VIII. And be it enacted, That in all Cases of Complaints upon which a Justice or Justices of the Peace may make an Order for the Payment of Money or otherwise it shall not be necessary that such Complaint shall be in Writing, unless it shall be required to be so by some particular Act of Parliament upon which such Complaint shall be framed.

IX. And be it declared and enacted, That in all Cases of Informations for any Offences or Acts punishable upon summary Conviction any Variance between such Information and the Evidence adduced in support thereof as to the Time at which such Offence or Act shall be alleged to have been committed shall not be deemed material, if it be proved that such Information was in fact laid within the Time limited by Law for laying the same; and any Variance between such Information and the Evidence adduced in support thereof as to the Parish or Township in which the Offence or Act shall be alleged to have been committed shall not be deemed material, provided that the Offence or Act be proved to have been committed within the Jurisdiction of the Justice or Justices by whom such Information shall be heard and determined; and if any such Variance, or any Variance in any other respect between such Information and the Evidence adduced in support thereof, shall appear to the Justice or Justices present and acting at the Hearing to be such that the Party charged by such Information has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit,

fit, to adjourn the Hearing of the Case to some future Day, and in the meantime to commit (D.) the said Defendant to the House of Correction or other Prison, Lock-up House, or Place of Security, or to such other Custody as the said Justice or Justices shall think fit, or to discharge him upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices, conditioned for his Appearance at the Time and Place to which such Hearing shall be so adjourned: Provided always, that in all Cases where a Defendant shall be discharged upon Recognizance as aforesaid, and shall not afterwards appear at the Time and Place in such Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) upon the Back of the said Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* Evidence of such Nonappearance of the said Defendant.

upon Recognizance;

but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

X. And be it declared and enacted, That every such Complaint upon which a Justice or Justices of the Peace is or are or shall be authorized by Law to make an Order, and that every Information for any Offence or Act punishable upon summary Conviction, unless some particular Act of Parliament shall otherwise require, may respectively be made or laid without any Oath or Affirmation being made of the Truth thereof; except in Cases of Informations where the Justice or Justices receiving the same shall thereupon issue his or their Warrant in the first instance to apprehend the Defendant as aforesaid; and in every such Case where the Justice or Justices shall issue his or their Warrant in the first instance the Matter of such Information shall be substantiated by the Oath or Affirmation of the Informant, or by some Witness or Witnesses on his Behalf, before any such Warrant shall be issued; and every such Complaint shall be for One Matter of Complaint only, and not for Two or more Matters of Complaint; and every such Information shall be for One Offence only, and not for Two or more Offences; and every such Complaint or Information may be laid or made by the Complainant or Informant in Person or by his Counsel or Attorney or other Person authorized in that Behalf.

Manner of making Complaint or laying Information.

When Warrant issued in the first instance, Information to be upon Oath, &c.

XI. And be it enacted, That in all Cases where no Time is already or shall hereafter be specially limited for making any such Complaint or laying any such Information in the Act or Acts of Parliament relating to each particular Case, such Complaint shall be made and such Information shall be laid within Six Calendar Months from the Time when the Matter of such Complaint or Information respectively arose.

Time limited for such Complaint or Information.

XII. And be it enacted, That every such Complaint and Information shall be heard, tried, determined, and adjudged by One

As to the Hearing of Complaints and Informations.

Places in which
Justices shall
sit to hear Com-
plaints, &c. to
be deemed an
open Court.

Parties allowed
to plead by
Counsel or
Attorney.

If Defendant
does not appear,
Justices may
proceed to hear
and determine,
or issue War-
rant, and ad-
journ the Hear-
ing till Defen-
dant is appre-
hended.

If Defendant
appear, and
Complainant,
&c. does not,

One or Two or more Justice or Justices of the Peace, as shall be directed by the Act of Parliament upon which such Complaint or Information shall be framed, or such other Act or Acts of Parliament as there may be in that Behalf; and if there be no such Direction in any such Act of Parliament, then such Complaint or Information may be heard, tried, determined, and adjudged by any One Justice of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where the Matter of such Information shall have arisen; and the Room or Place in which such Justice or Justices shall sit to hear and try any such Complaint or Information shall be deemed an open and public Court, to which the Public generally may have Access, so far as the same can conveniently contain them; and the Party against whom such Complaint is made or Information laid shall be admitted to make his full Answer and Defence thereto, and to have the Witnesses examined and cross-examined by Counsel or Attorney on his Behalf; and every Complainant or Informant in any such Case shall be at liberty to conduct such Complaint or Information respectively and to have the Witnesses examined and cross-examined by Counsel or Attorney on his Behalf.

XIII. And be it enacted, That if at the Day and Place appointed in and by the Summons aforesaid for hearing and determining such Complaint or Information the Defendant against whom the same shall have been made or laid shall not appear when called, the Constable or other Person who shall have served him with the Summons in that Behalf shall then declare upon Oath in what Manner he served the said Summons; and if it appear to the Satisfaction of any Justice or Justices that he duly served the said Summons, in that Case such Justice or Justices may proceed to hear and determine the Case in the Absence of such Defendant, or the said Justice or Justices, upon the Nonappearance of such Defendant as aforesaid, may, if he or they think fit, issue his or their Warrant in manner hereinbefore directed, and shall adjourn the Hearing of the said Complaint or Information until the said Defendant shall be apprehended; and when such Defendant shall afterwards be apprehended under such Warrant he shall be brought before the same Justice or Justices, or some other Justice or Justices of the same County, Riding, Division, Liberty, City, Borough, or Place, who shall thereupon, either by his or their Warrant (H.), commit such Defendant to the House of Correction or other Prison, Lock-up House, or Place of Security, or, if he or they think fit, verbally to the Custody of the Constable or other Person who shall have apprehended him, or to such other safe Custody as he or they shall deem fit, and order the said Defendant to be brought up at a certain Time and Place before such Justice or Justices of the Peace as shall then be there, of which said Order the Complainant or Informant shall have due Notice; or if upon the Day and at the Place so appointed as aforesaid such Defendant shall attend voluntarily in obedience to the Summons in that Behalf served upon him, or shall be brought before

before the said Justice or Justices by virtue of any Warrant, then, if the Complainant or Informant, having had such Notice as aforesaid, do not appear, by himself, his Counsel or Attorney, the said Justice or Justices shall dismiss such Complaint or Information, unless for some Reason he or they shall think proper to adjourn the Hearing of the same unto some other Day, upon such Terms as he or they shall think fit, in which Case such Justice or Justices may commit (D.) the Defendant in the meantime to the House of Correction or other Prison, Lock-up House, or Place of Security, or to such other Custody as such Justice or Justices shall think fit, or may discharge him upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices, conditioned for his Appearance at the Time and Place to which such Hearing shall be so adjourned; and if such Defendant shall not afterwards appear at the Time and Place mentioned in such Recognizance, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) on the Back of the Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which the Offence shall be laid to have been committed, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* Evidence of such Nonappearance of the said Defendant; but if both Parties appear, either personally or by their respective Counsel or Attornies, before the Justice or Justices who are to hear and determine such Complaint or Information, then the said Justice or Justices shall proceed to hear and determine the same.

XIV. And be it enacted, That where such Defendant shall be present at such hearing the Substance of the Information or Complaint shall be stated to him, and he shall be asked if he have any Cause to show why he should not be convicted, or why an Order should not be made against him, as the Case may be, and if he thereupon admit the Truth of such Information or Complaint, and show no Cause or no sufficient Cause why he should not be convicted, or why an Order should not be made against him, as the Case may be, then the Justice or Justices present at the said Hearing shall convict him or make an Order against him accordingly; but if he do not admit the Truth of such Information or Complaint as aforesaid, then the said Justice or Justices shall proceed to hear the Prosecutor or Complainant, and such Witnesses as he may examine and such other Evidence as he may adduce, in support of his Information or Complaint respectively, and also to hear the Defendant and such Witnesses as he may examine and such other Evidence as he may adduce in his Defence, and also to hear such Witnesses as the Prosecutor or Complainant may examine in reply, if such Defendant shall have examined any Witnesses or given any Evidence other than as to his the Defendant's general Character; but the Prosecutor or Complainant shall not be entitled to make any Obser-

Justice may dismiss the Complaint, &c. or at Discretion adjourn Hearing and commit or discharge Defendant upon Recognizances;

but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

If both Parties appear, Justice to hear and determine the Case.

Proceedings on the hearing of Complaints and Informations.

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// vations in reply upon the Evidence given by the Defendant, nor shall the Defendant be entitled to make any Observations in reply upon the Evidence given by the Prosecutor or Complainant in reply as aforesaid; and the said Justice or Justices, having heard what each Party shall have to say as aforesaid, and the Witnesses and Evidence so adduced, shall consider the whole Matter, and determine the same, and shall convict or make an Order upon the Defendant, or dismiss the Information or Complaint, as the Case may be; and if he or they convict or make an Order against the Defendant, a Minute or Memorandum thereof shall then be made, for which no Fee shall be paid, and the Conviction (I. 1-3.) or Order (K. 1-3.) shall afterwards be drawn up by the said Justice or Justices in proper Form, under his or their Hand and Seal or Hands and Seals, and he or they shall cause the same to be lodged with the Clerk of the Peace, to be by him filed among the Records of the General Quarter Sessions of the Peace; or if the said Justice or Justices shall dismiss such Information or Complaint, it shall be lawful for such Justice or Justices, if he or they shall think fit, being required so to do, to make an Order of Dismissal of the same (L.), and shall give the Defendant in that Behalf a Certificate thereof (M.), which said Certificate afterwards, upon being produced, without further Proof, shall be a Bar to any subsequent Information or Complaint for the same Matters respectively against the same Party: Provided always, that if the Information or Complaint in any such Case shall negative any Exemption, Exception, Proviso, or Condition in the Statute on which the same shall be framed, it shall not be necessary for the Prosecutor or Complainant in that Behalf to prove such Negative, but the Defendant may prove the Affirmative thereof in his Defence, if he would have Advantage of the same.

Proviso.

Prosecutors and Complainants in certain Cases to be deemed competent Witnesses, and examined upon Oath, &c.

XV. And be it enacted, That every Prosecutor of any such Information, not having any pecuniary Interest in the Result of the same, and every Complainant in any such Complaint as aforesaid, whatever his Interest may be in the Result of the same, shall be a competent Witness to support such Information or Complaint respectively; and every Witness at any such Hearing as aforesaid shall be examined upon Oath or Affirmation, and the Justice or Justices before whom any such Witness shall appear for the Purpose of being so examined shall have full Power and Authority to administer to every such Witness the usual Oath or Affirmation.

Power to Justices to adjourn the Hearing of Cases, and commit Defendant, or suffer him to go at large, or discharge him upon his own Recognizance;

XVI. And be it enacted, That before or during such Hearing of any such Information or Complaint it shall be lawful for any One Justice, or for the Justices present, in their Discretion, to adjourn the Hearing of the same to a certain Time and Place to be then appointed and stated in the Presence and Hearing of the Party or Parties, or their respective Attornies or Agents then present, and in the meantime the said Justice or Justices may suffer the Defendant to go at large, or may commit (D.) him to the Common Gaol or House of Correction or other Prison, Lock-up House, or Place of Security in the County, Riding,

Riding, Division, Liberty, City, Borough, or Place for which such Justice or Justices shall be then acting, or to such other safe Custody as the said Justice or Justices shall think fit, or may discharge such Defendant upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices, conditioned for his Appearance at the Time and Place to which such Hearing or further Hearing shall be adjourned; and if at the Time or Place to which such Hearing or further Hearing shall be so adjourned either or both of the Parties shall not appear personally, or by his or their Counsel or Attornies respectively, before the said Justice or Justices, or such other Justice or Justices as shall then be there, it shall be lawful for the Justice or Justices then there present to proceed to such Hearing or further Hearing as if such Party or Parties were present; or if the Prosecutor or Complainant shall not appear, the said Justice or Justices may dismiss such Information or Complaint, with or without Costs, as to such Justices shall seem fit: Provided always, that in all Cases where a Defendant shall be discharged on Recognizance as aforesaid, and shall not afterwards appear at the Time and Place mentioned in such Recognizance, then the said Justice or Justices who shall have taken the said Recognizance, or any other Justice or Justices who may then be there present, upon certifying (F.) on the Back of the Recognizance the Non-appearance of such accused Party, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* Evidence of such Nonappearance of the said Defendant.

but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

XVII. And be it enacted, That in all Cases of Conviction where no particular Form of such Conviction is or shall be given by the Statute creating the Offence or regulating the Prosecution for the same, and in all Cases of Conviction upon Statutes hitherto passed, whether any particular Form of Conviction have been therein given or not, it shall be lawful for the Justice or Justices who shall so convict to draw up his or their Conviction on Parchment or on Paper in such one of the Forms of Conviction (I. 1-3.) in the Schedule to this Act contained as shall be applicable to such Case, or to the like Effect; and where an Order shall be made, and no particular Form of Order is or shall be given by the Statute giving Authority to make such Order, and in all Cases of Orders to be made under the Authority of any Statutes hitherto passed, whether any particular Form of Order shall therein be given or not, it shall be lawful for the Justice or Justices by whom such Order is to be made to draw up the same in such one of the Forms of Orders (K. 1-3.) in the Schedule to this Act contained as may be applicable to such Case, or to the like Effect; and in all Cases where by any Act of Parliament Authority is given to commit a Person to Prison, or to levy any Sum upon his Goods or

Form of Convictions and Orders.

in returning will amount to the further Sum of
 making together the Sum of : These are therefore to
 order you, as such Treasurer of the said County of
 to pay unto the said *W. T.* the said Sum of according
 to the Form of the Statute in such Case made and provided, for
 which Payment this Order shall be your sufficient Voucher and
 Authority.

Given under my Hand, this Day of 184 .
J.P.

Received the Day of 184 of the Treasurer
 of the [*County*] of the Sum of being the
 Amount of the above Order.

£

CAP. XLIII.

An Act to facilitate the Performance of the Duties of
 Justices of the Peace out of Sessions, within *England*
 and *Wales*, with respect to summary Convictions
 and Orders. [14th August 1848.]

‘ WHEREAS it would conduce much to the Improvement
 ‘ of the Administration of Justice within *England* and
 ‘ *Wales*, so far as respects summary Convictions, and Orders
 ‘ to be made by Her Majesty’s Justices of the Peace therein, if
 ‘ the several Statutes and Parts of Statutes relating to the
 ‘ Duties of such Justices in respect of such summary Convictions
 ‘ and Orders were consolidated, with such Additions and Alter-
 ‘ ations as may be deemed necessary, and that such Duties should
 ‘ be clearly defined by such positive Enactment:’ Be it therefore
 declared and enacted by the Queen’s most Excellent Majesty,
 by and with the Advice and Consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled,
 and by the Authority of the same, That in all Cases where an
 Information shall be laid before One or more of Her Majesty’s
 Justices of the Peace for any County, Riding, Division, Liberty,
 City, Borough, or Place within *England* or *Wales*, that any
 Person has committed or is suspected to have committed any
 Offence or Act within the Jurisdiction of such Justice or Justices
 for which he is liable by Law, upon a summary Conviction for
 the same before a Justice or Justices of the Peace, to be impris-
 oned or fined, or otherwise punished, and also in all Cases where
 a Complaint shall be made to any such Justice or Justices upon
 which he or they have or shall have Authority by Law to make
 any Order for the Payment of Money or otherwise, then and in
 every such Case it shall be lawful for such Justice or Justices of
 the Peace to issue his or their Summons (A.) directed to such
 Person, stating shortly the Matter of such Information or Com-
 plaint, and requiring him to appear at a certain Time and Place
 before the same Justice or Justices, or before such other Justice
 or Justices of the same County, Riding, Division, Liberty, City,
 Borough, or Place as shall then be there, to answer to the said
 Information

In all Cases
 where Informa-
 tion shall be
 laid or Com-
 plaint made of
 Offences com-
 mitted, Justices
 may issue Sum-
 mons to Persons
 to answer the
 same.

Information or Complaint, and to be further dealt with according to Law; and every such Summons shall be served by a Constable or other Peace Officer, or other Person to whom the same shall be delivered, upon the Person to whom it is so directed, by delivering the same to the Party personally, or by leaving the same with some Person for him at his last or most usual Place of Abode; and the Constable, Peace Officer, or Person who shall serve the same in manner aforesaid shall attend at the Time and Place and before the Justices in the said Summons mentioned, to depose, if necessary, to the Service of the said Summons: Provided always, that nothing herein mentioned shall oblige any Justice or Justices of the Peace to issue any such Summons in any Case where the Application for any Order of Justices is by Law to be made *ex parte*: Provided also, that no Objection shall be taken or allowed to any Information, Complaint, or Summons, for any alleged Defect therein in Substance or in Form, or for any Variance between such Information, Complaint, or Summons and the Evidence adduced on the Part of the Informant or Complainant at the hearing of such Information or Complaint as herein-after mentioned; but if any such Variance shall appear to the Justice or Justices present and acting at such hearing to be such that the Party so summoned and appearing has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the hearing of the Case to some future Day.

How Summons
to be served.

Justices not
obliged to issue
Summonses in
certain Cases.
No Objection
allowed for
Want of Form.

II. And be it enacted, That if the Person so served with a Summons as aforesaid shall not be and appear before the Justice or Justices at the Time and Place mentioned in such Summons, and it shall be made to appear to such Justice or Justices, by Oath or Affirmation, that such Summons was so served what shall be deemed by such Justice or Justices to be a reasonable Time before the Time therein appointed for appearing to the same, then it shall be lawful for such Justice or Justices, if he or they shall think fit, upon Oath or Affirmation being made before him or them substantiating the Matter of such Information or Complaint to his or their Satisfaction, to issue his or their Warrant (B.) to apprehend the Party so summoned, and to bring him before the same Justice or Justices, or before some other Justice or Justices of the Peace in and for the same County, Riding, Division, Liberty, City, Borough or Place, to answer to the said Information or Complaint, and to be further dealt with according to Law; or upon such Information being laid as aforesaid for any Offence punishable on Conviction the Justice or Justices before whom such Information shall have been laid may, if he or they shall think fit, upon Oath or Affirmation being made before him or them substantiating the Matter of such Information to his or their Satisfaction, instead of issuing such Summons as aforesaid, issue in the first instance his or their Warrant (C.) for apprehending the Person against whom such Information shall have been so laid, and bringing him before the same Justice or Justices, or before some other Justice or Justices of the Peace in and for

If Summons be
not obeyed,
Justices may
issue Warrant;

or may issue
Warrant in the
first instance;

or if Summons, having been duly served, be not obeyed, the Justices may proceed *ex parte*.

the same County, Riding, Division, Liberty, City, Borough, or Place, to answer to the said Information, and to be further dealt with according to Law; or if, where a Summons shall be so issued as aforesaid, and upon the Day and at the Place appointed in and by the said Summons for the Appearance of the Party so summoned, such Party shall fail to appear accordingly in obedience to such Summons, then and in every such Case, if it be proved upon Oath or Affirmation to the Justice or Justices then present that such Summons was duly served upon such Party a reasonable Time before the Time so appointed for his Appearance as aforesaid, it shall be lawful for such Justice or Justices of the Peace to proceed *ex parte* to the hearing of such Information or Complaint, and to adjudicate thereon, as fully and effectually, to all Intents and Purposes, as if such Party had personally appeared before him or them in obedience to the said Summons.

Form of Warrant.

III. And be it enacted, That every such Warrant to apprehend a Defendant, that he may answer to any such Information or Complaint as aforesaid, shall be under the Hand and Seal or Hands and Seals of the Justice or Justices issuing the same, and may be directed either to any Constable or other Person by Name, or generally to the Constable of the Parish or other District within which the same is to be executed, without naming him, or to such Constable and all other Constables within the County or other District within which the Justice or Justices issuing such Warrant hath or have Jurisdiction, or generally to all the Constables within such last-mentioned County or District, and it shall state shortly the Matter of the Information or Complaint on which it is founded, and shall name or otherwise describe the Person against whom it has been issued, and it shall order the Constable or other Person to whom it is directed to apprehend the said Defendant, and to bring him before One or more Justice or Justices of the Peace (as the Case may require) of the same County, Riding, Division, Liberty, City, Borough, or Place, to answer to the said Information or Complaint, and to be further dealt with according to Law; and that it shall not be necessary to make such Warrant returnable at any particular Time, but the same may remain in full force until it shall be executed; and such Warrant may be executed by apprehending the Defendant at any Place within the County, Riding, Division, Liberty, City, Borough, or Place within which the Justices issuing the same shall have Jurisdiction, or, in case of fresh Pursuit, at any Place in the next adjoining County or Place within Seven Miles of the Border of such first-mentioned County, Riding, Division, Liberty, City, Borough, or Place, without having such Warrant backed as herein-after mentioned; and in all Cases where such Warrant shall be directed to all Constables or Peace Officers within the County or other District within which the Justice or Justices issuing the same shall have Jurisdiction, it shall be lawful for any Constable, Headborough, Tithingman, Bors-holder, or other Peace Officer for any Parish, Township, Hamlet,

Where and how Warrant may be executed.

Hamlet, or Place situate within the Limits of the Jurisdiction for which such Justice or Justices shall have acted when he or they granted such Warrant, to execute such Warrant in like Manner as if such Warrant were directed specially to such Constable by Name, and notwithstanding that the Place in which such Warrant shall be executed shall not be within the Parish, Township, Hamlet, or Place for which he shall be such Constable, Headborough, Tithingman, Borsholder, or other Peace Officer; and such of the Provisions and Enactments contained in a certain Act of Parliament made and passed in this present Session of Parliament, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to Persons charged with indictable Offences*, as to the backing of any Warrant, and the Indorsement thereon by a Justice of the Peace or other Officer, authorizing the Person bringing such Warrant, and all other Persons to whom the same was originally directed, to execute the same within the Jurisdiction of the Justice or Officer so making such Indorsement, as are applicable to the Provisions of this Act, shall extend to all such Warrants, and to all Warrants of Commitment issued under and by virtue of this Act, in as full and ample a Manner as if the said several Provisions and Enactments were here repeated and made Parts of this Act: Provided always, that no Objection shall be taken or allowed to any such Warrant to apprehend a Defendant so issued upon any such Information or Complaint as aforesaid under or by virtue of this Act, for any alleged Defect therein in Substance or in Form, or for any Variance between it and the Evidence adduced on the Part of the Informant or Complainant as herein-after mentioned; but if any such Variance shall appear to the Justice or Justices present and acting at such Hearing to be such that the Party so apprehended under such Warrant has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the hearing of the Case to some future Day, and in the meantime to commit (D.) the said Defendant to the House of Correction or other Prison, Lock-up House, or Place of Security, or to such other Custody as the said Justice or Justices shall think fit, or to discharge him upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices, conditioned for his Appearance at the Time and Place to which such hearing shall be so adjourned: Provided always, that in all Cases where a Defendant shall be discharged upon Recognizance as aforesaid, and shall not afterwards appear at the Time and Place in such Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) upon the Back of the said Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which such Recognizance

Certain Provisions of 11 & 12 Vict. c. 42. as to backing of Warrants to extend to Warrants issued under this Act.

No Objection allowed for Want of Form in the Warrant, or for any Variance, &c.; but if the Party charged is deceived by the Variation, he may be committed or discharged upon Recognizance;

but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

zance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said Defendant.

Description of
the Property of
Partners, &c. ;

of the Property
of Counties ;

of the Property
in Goods pro-
vided for the
Poor ;

of the Property
in Materials for
Parish Roads ;

of the Property
in Materials
for Turnpike
Roads, &c. ;

of the Property
of Commission-
ers of Sewers.

Prosecution
and Punish-
ment of Aiders
and Abettors
in the Com-
mission of Of-
fences.

IV. And be it enacted, That in any Information or Complaint, or the Proceedings thereon, in which it shall be necessary to state the Ownership of any Property belonging to or in the Possession of Partners, Joint Tenants, Parceners, or Tenants in Common, it shall be sufficient to name one of such Persons, and to state the Property to belong to the Person so named and another or others, as the Case may be, and whenever in any Information or Complaint, or the Proceedings thereon, it shall be necessary to mention, for any Purpose whatsoever, any Partners, Joint Tenants, Parceners, or Tenants in common, it shall be sufficient to describe them in manner aforesaid ; and whenever in any such Information or Complaint, or the Proceedings thereon, it shall be necessary to describe the Ownership of any Work or Building made, maintained, or repaired at the Expense of any County, Riding, Division, Liberty, City, Borough, or Place, or of any Materials for the making, altering, or repairing of the same, they may be therein described as the Property of the Inhabitants of such County, Riding, Division, Liberty, City, Borough, or Place respectively ; and all Goods provided by Parish Officers for the Use of the Poor may in any such Information or Complaint, or the Proceedings thereon, be described as the Goods of the Churchwardens and Overseers of the Poor of the Parish, or of the Overseers of the Poor of the Township or Hamlet, or of the Guardians of the Poor of the Union to which the same belong, without naming any of them ; and all Materials and Tools provided for the Repair of Highways at the Expense of Parishes or other Districts in which such Highways may be situate may be therein described as the Property of the Surveyor or Surveyors of such Highways respectively, without naming him or them ; and all Materials or Tools provided for making or repairing any Turnpike Road, and Buildings, Gates, Lamps, Boards, Stones, Posts, Fences, or other Things erected or provided for the Purpose of any such Turnpike Road, may be described as the Property of the Commissioners or Trustees of such Turnpike Road, without naming them ; and all Property of the Commissioners of Sewers of any District may be described as the Property of such Commissioners, without naming them.

V. And be it enacted, That every Person who shall aid, abet, counsel, or procure the Commission of any Offence which is or hereafter shall be punishable on summary Conviction shall be liable to be proceeded against and convicted for the same, either together with the principal Offender, or before or after his Conviction, and shall be liable on Conviction to the same Forfeiture and Punishment as such principal Offender is or shall be by Law liable, and may be proceeded against and convicted either in the County, Riding, Division, Liberty, City, Borough, or Place where such principal Offender may be con-

victed,

victed, or in that in which such Offence of aiding, abetting, counselling, or procuring may have been committed.

VI. And be it enacted, That such of the Provisions and Enactments in the Act aforesaid made and passed in this present Session of Parliament, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to Persons charged with indictable Offences*, whereby a Justice of the Peace for one County, Riding, Division, Liberty, City, Borough, or Place may act for the same whilst residing or being in an adjoining County, Riding, Division, Liberty, City, Borough, or Place of which he is also a Justice of the Peace, or whereby a Justice of the Peace for any County at large, Riding, Division, or Liberty may act as such within any City, Town, or Precinct next adjoining thereto or surrounded thereby, being a County of itself or otherwise having exclusive Jurisdiction, as are applicable to the Provisions of this Act, shall be deemed to be incorporated into this Act, and to extend to all Acts required of or to be performed by Justices of the Peace under or by virtue of this Act, in as full and ample a Manner as if the said Provisions and Enactments were here repeated and made Parts of this Act.

Provisions of
11 & 12 Vict.
c. 42. as to Jus-
tices in one
County, &c.
acting for
another to ex-
tend to this Act.

VII. And be it enacted, That if it shall be made to appear to any Justice of the Peace, by the Oath or Affirmation of any credible Person, that any Person within the Jurisdiction of such Justice is likely to give material Evidence in behalf of the Prosecutor or Complainant or Defendant, and will not voluntarily appear for the Purpose of being examined as a Witness at the Time and Place appointed for the hearing of such Information or Complaint, such Justice may and is hereby required to issue his Summons (G. 1.) to such Person under his Hand and Seal, requiring him to be and appear at a Time and Place mentioned in such Summons before the said Justice, or before such other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place as shall then be there, to testify what he shall know concerning the Matter of the said Information or Complaint; and if any Person so summoned shall neglect or refuse to appear at the Time and Place appointed by the said Summons, and no just Excuse shall be offered for such Neglect or Refusal, then (after Proof upon Oath or Affirmation of such Summons having been served upon such Person, either personally or by leaving the same for him with some Person at his last or most usual Place of Abode, and that a reasonable Sum was paid or tendered to him for his Costs and Expenses in that Behalf,) it shall be lawful for the Justice or Justices before whom such Person should have appeared to issue a Warrant (G. 2.) under his or their Hands and Seals to bring and have such Person, at a Time and Place to be therein mentioned, before the Justice who issued the said Summons, or before such other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place as shall then be there, to testify

Power to Jus-
tice to summon
Witnesses to
attend and give
Evidence;

If Summons be
not obeyed,
Justices may
issue Warrant;

In certain Cases may issue Warrant in the first instance.

Persons appearing on Summons, &c. refusing to be examined, may be committed.

Complaints for an Order need not be in Writing.

As to Proceedings upon Informations for Offences punishable on summary Convictions.

The Party charged, if deceived by Variation between Information and Evidence, may be committed or discharged

testify as aforesaid, and which said Warrant may, if necessary, be backed as herein-before is mentioned, in order to its being executed out of the Jurisdiction of the Justice who shall have issued the same; or if such Justice shall be satisfied by Evidence upon Oath or Affirmation, that it is probable that such Person will not attend to give Evidence without being compelled so to do, then, instead of issuing such Summons, it shall be lawful for him to issue his Warrant (G. 3.) in the first instance, and which, if necessary, may be backed as aforesaid; and if on the Appearance of such Person so summoned before the said last-mentioned Justice or Justices, either in obedience to the said Summons or upon being brought before him or them by virtue of the said Warrant, such Person shall refuse to be examined upon Oath or Affirmation concerning the Premises, or shall refuse to take such Oath or Affirmation, or, having taken such Oath or Affirmation, shall refuse to answer such Questions concerning the Premises as shall then be put to him, without offering any just Excuse for such Refusal, any Justice of the Peace then present, and having there Jurisdiction, may by Warrant (G. 4.) under his Hand and Seal commit the Person so refusing to the Common Gaol or House of Correction for the County, Riding, Division, Liberty, City, Borough, or Place where such Person so refusing shall then be, there to remain and be imprisoned for any Time not exceeding Seven Days, unless he shall in the meantime consent to be examined and to answer concerning the Premises.

VIII. And be it enacted, That in all Cases of Complaints upon which a Justice or Justices of the Peace may make an Order for the Payment of Money or otherwise it shall not be necessary that such Complaint shall be in Writing, unless it shall be required to be so by some particular Act of Parliament upon which such Complaint shall be framed.

IX. And be it declared and enacted, That in all Cases of Informations for any Offences or Acts punishable upon summary Conviction any Variance between such Information and the Evidence adduced in support thereof as to the Time at which such Offence or Act shall be alleged to have been committed shall not be deemed material, if it be proved that such Information was in fact laid within the Time limited by Law for laying the same; and any Variance between such Information and the Evidence adduced in support thereof as to the Parish or Township in which the Offence or Act shall be alleged to have been committed shall not be deemed material, provided that the Offence or Act be proved to have been committed within the Jurisdiction of the Justice or Justices by whom such Information shall be heard and determined; and if any such Variance, or any Variance in any other respect between such Information and the Evidence adduced in support thereof, shall appear to the Justice or Justices present and acting at the Hearing to be such that the Party charged by such Information has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit,

fit, to adjourn the Hearing of the Case to some future Day, and in the meantime to commit (D.) the said Defendant to the House of Correction or other Prison, Lock-up House, or Place of Security, or to such other Custody as the said Justice or Justices shall think fit, or to discharge him upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices, conditioned for his Appearance at the Time and Place to which such Hearing shall be so adjourned: Provided always, that in all Cases where a Defendant shall be discharged upon Recognizance as aforesaid, and shall not afterwards appear at the Time and Place in such Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) upon the Back of the said Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* Evidence of such Nonappearance of the said Defendant.

upon Recognizance;

but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

X. And be it declared and enacted, That every such Complaint upon which a Justice or Justices of the Peace is or are or shall be authorized by Law to make an Order, and that every Information for any Offence or Act punishable upon summary Conviction, unless some particular Act of Parliament shall otherwise require, may respectively be made or laid without any Oath or Affirmation being made of the Truth thereof; except in Cases of Informations where the Justice or Justices receiving the same shall thereupon issue his or their Warrant in the first instance to apprehend the Defendant as aforesaid; and in every such Case where the Justice or Justices shall issue his or their Warrant in the first instance the Matter of such Information shall be substantiated by the Oath or Affirmation of the Informant, or by some Witness or Witnesses on his Behalf, before any such Warrant shall be issued; and every such Complaint shall be for One Matter of Complaint only, and not for Two or more Matters of Complaint; and every such Information shall be for One Offence only, and not for Two or more Offences; and every such Complaint or Information may be laid or made by the Complainant or Informant in Person or by his Counsel or Attorney or other Person authorized in that Behalf.

Manner of making Complaint or laying Information.

When Warrant issued in the first instance, Information to be upon Oath, &c.

XI. And be it enacted, That in all Cases where no Time is already or shall hereafter be specially limited for making any such Complaint or laying any such Information in the Act or Acts of Parliament relating to each particular Case, such Complaint shall be made and such Information shall be laid within Six Calendar Months from the Time when the Matter of such Complaint or Information respectively arose.

Time limited for such Complaint or Information.

XII. And be it enacted, That every such Complaint and Information shall be heard, tried, determined, and adjudged by One

As to the Hearing of Complaints and Informations.

Places in which
Justices shall
sit to hear Com-
plaints, &c. to
be deemed an
open Court.

Parties allowed
to plead by
Counsel or
Attorney.

If Defendant
does not appear,
Justices may
proceed to hear
and determine,
or issue War-
rant, and ad-
journ the Hear-
ing till Defen-
dant is appre-
hended.

If Defendant
appear, and
Complainant,
&c. does not,

One or Two or more Justice or J
be directed by the Act of Parli
plaint or Information shall be fran
of Parliament as there may be i
no such Direction in any such
Complaint or Information may be
adjudged by any One Justice c
Riding, Division, Liberty, City,
Matter of such Information shall
or Place in which such Justice o
try any such Complaint or Inf
open and public Court, to whi
have Access, so far as the same c
and the Party against whom suc
mation laid shall be admitted t
Defence thereto, and to have the
examined by Counsel or Attorn
Complainant or Informant in an
to conduct such Complaint or In
have the Witnesses examined, and
Attorney on his Behalf.

XIII. And be it enacted, T
appointed in and by the Summ
determining such Complaint or
against whom the same shall hav
appear when called, the Constal
have served him with the Summ
declare upon Oath in what Manne
and if it appear to the Satisfacti
that he duly served the said Summ
or Justices may proceed to hear
Absence of such Defendant, or the
the Nonappearance of such Defen
they think fit, issue his or thei
before directed, and shall adjou
Complaint or Information until
apprehended; and when such I
apprehended under such Warrant
same Justice or Justices, or som
the same County, Riding, Divisic
Place, who shall thereupon, either
commit such Defendant to the
Prison, Lock-up House, or Place
think fit, verbally to the Custod
Person who shall have apprehen
Custody as he or they shall deem
dant to be brought up at a certai
Justice or Justices of the Peace a
said Order the Complainant or In
or if upon the Day and at the l
such Defendant shall attend vo
Summons in that Behalf served

before the said Justice or Justices by virtue of any Warrant, then, if the Complainant or Informant, having had such Notice as aforesaid, do not appear, by himself, his Counsel or Attorney, the said Justice or Justices shall dismiss such Complaint or Information, unless for some Reason he or they shall think proper to adjourn the Hearing of the same unto some other Day, upon such Terms as he or they shall think fit, in which Case such Justice or Justices may commit (D.) the Defendant in the meantime to the House of Correction or other Prison, Lock-up House, or Place of Security, or to such other Custody as such Justice or Justices shall think fit, or may discharge him upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices, conditioned for his Appearance at the Time and Place to which such Hearing shall be so adjourned; and if such Defendant shall not afterwards appear at the Time and Place mentioned in such Recognizance, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) on the Back of the Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which the Offence shall be laid to have been committed, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* Evidence of such Nonappearance of the said Defendant; but if both Parties appear, either personally or by their respective Counsel or Attornies, before the Justice or Justices who are to hear and determine such Complaint or Information, then the said Justice or Justices shall proceed to hear and determine the same.

XIV. And be it enacted, That where such Defendant shall be present at such hearing the Substance of the Information or Complaint shall be stated to him, and he shall be asked if he have any Cause to show why he should not be convicted, or why an Order should not be made against him, as the Case may be, and if he thereupon admit the Truth of such Information or Complaint, and show no Cause or no sufficient Cause why he should not be convicted, or why an Order should not be made against him, as the Case may be, then the Justice or Justices present at the said Hearing shall convict him or make an Order against him accordingly; but if he do not admit the Truth of such Information or Complaint as aforesaid, then the said Justice or Justices shall proceed to hear the Prosecutor or Complainant, and such Witnesses as he may examine and such other Evidence as he may adduce, in support of his Information or Complaint respectively, and also to hear the Defendant and such Witnesses as he may examine and such other Evidence as he may adduce in his Defence, and also to hear such Witnesses as the Prosecutor or Complainant may examine in reply, if such Defendant shall have examined any Witnesses or given any Evidence other than as to his the Defendant's general Character; but the Prosecutor or Complainant shall not be entitled to make any Observations

Justice may dismiss the Complaint, &c. or at Discretion adjourn Hearing and commit or discharge Defendant upon Recognizances;

but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

If both Parties appear, Justice to hear and determine the Case.

Proceedings on the hearing of Complaints and Informations.

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// vations in reply upon the Evidence given by shall the Defendant be entitled to make a reply upon the Evidence given by the Plaintiff in reply as aforesaid; and the said Justice, having heard what each Party shall have to say to the Witnesses and Evidence so adduced, shall determine the same, and shall make an Order upon the Defendant, or dismiss the Plaintiff, as the Case may be; and if he or they shall make an Order against the Defendant, a Minute thereof shall then be made, for which no Fee shall be taken. And if the said Justice shall find the Conviction (I. 1-3.) or Order (K. 1-3.) drawn up by the said Justice or Justices in his or their Hand and Seal or Hands and Seals, he or they shall cause the same to be lodged with the Clerk of the Sessions of the Peace; or if the said Justice shall dismiss such Information or Complaint, it shall be the Duty of such Justice or Justices, if he or they shall be required so to do, to make an Order of Discharge (L.), and shall give the Defendant in that behalf a Certificate thereof (M.), which said Certificate after being produced, without further Proof, shall be a full and sufficient Defence to any subsequent Information or Complaint for the same made against the same Party: Provided that no such Information or Complaint in any such Case shall be taken, without Exemption, Exception, Proviso, or Condition, which the same shall be framed, it shall not be a Defence to the Prosecutor or Complainant in that Behalf, but the Defendant may prove the Act to his Defence, if he would have Advantage of it.

Proviso.

Prosecutors and Complainants in certain Cases to be deemed competent Witnesses, and examined upon Oath, &c.

XV. And be it enacted, That every Prosecutor of any such Information, not having any pecuniary Interest in the same, and every Complainant in any such Complaint, whatever his Interest may be in the same, shall be a competent Witness to support the same by his Evidence upon the Information or Complaint respectively; and every such Witness shall be examined upon Oath, and the Justice or Justices before whom he shall appear for the Purpose of being so examined shall have full Power and Authority to administer to him the usual Oath or Affirmation.

Power to Justices to adjourn the Hearing of Cases, and commit Defendant, or suffer him to go at large, or discharge him upon his own Recognizance;

XVI. And be it enacted, That before or after the making of any such Information or Complaint it shall be lawful for One Justice, or for the Justices present, in any such Case to adjourn the Hearing of the same to a certain Day to be then appointed and stated in the Presence of the Party or Parties, or their respective Attorneys then present, and in the meantime the said Defendant may suffer the Defendant to go at large, or commit him to the Common Gaol or House of Correction, Lock-up House, or Place of Secur-

Riding, Division, Liberty, City, Borough, or Place for which such Justice or Justices shall be then acting, or to such other safe Custody as the said Justice or Justices shall think fit, or may discharge such Defendant upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices, conditioned for his Appearance at the Time and Place to which such Hearing or further Hearing shall be adjourned; and if at the Time or Place to which such Hearing or further Hearing shall be so adjourned either or both of the Parties shall not appear personally, or by his or their Counsel or Attornies respectively, before the said Justice or Justices, or such other Justice or Justices as shall then be there, it shall be lawful for the Justice or Justices then there present to proceed to such Hearing or further Hearing as if such Party or Parties were present; or if the Prosecutor or Complainant shall not appear, the said Justice or Justices may dismiss such Information or Complaint, with or without Costs, as to such Justices shall seem fit: Provided always, that in all Cases where a Defendant shall be discharged on Recognizance as aforesaid, and shall not afterwards appear at the Time and Place mentioned in such Recognizance, then the said Justice or Justices who shall have taken the said Recognizance, or any other Justice or Justices who may then be there present, upon certifying (F.) on the Back of the Recognizance the Non-appearance of such accused Party, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* Evidence of such Nonappearance of the said Defendant.

but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

XVII. And be it enacted, That in all Cases of Conviction where no particular Form of such Conviction is or shall be given by the Statute creating the Offence or regulating the Prosecution for the same, and in all Cases of Conviction upon Statutes hitherto passed, whether any particular Form of Conviction have been therein given or not, it shall be lawful for the Justice or Justices who shall so convict to draw up his or their Conviction on Parchment or on Paper in such one of the Forms of Conviction (I. 1-3.) in the Schedule to this Act contained as shall be applicable to such Case, or to the like Effect; and where an Order shall be made, and no particular Form of Order is or shall be given by the Statute giving Authority to make such Order, and in all Cases of Orders to be made under the Authority of any Statutes hitherto passed, whether any particular Form of Order shall therein be given or not, it shall be lawful for the Justice or Justices by whom such Order is to be made to draw up the same in such one of the Forms of Orders (K. 1-3.) in the Schedule to this Act contained as may be applicable to such Case, or to the like Effect; and in all Cases where by any Act of Parliament Authority is given to commit a Person to Prison, or to levy any Sum upon his Goods or

Form of Convictions and Orders.

Chattels by Distress, for not obeying any Order of a Justice or Justices, the Defendant shall be served with a Copy of a Minute of such Order before any Warrant of Commitment or of Distress shall issue in that Behalf, and such Order or Minute shall not form any Part of such Warrant of Commitment or of Distress.

Power to Justice to award Costs, which shall be specified in Conviction or Order of Dismissal, and may be recovered by Distress.

XVIII. And be it enacted, That in all Cases of summary Conviction or of Orders made by a Justice or Justices of Peace it shall be lawful for the Justice or Justices making same, in his or their Discretion, to award and order in and by his or their Order that the Defendant shall pay to the Prosecutor or Complainant respectively such Costs as the Justice or Justices shall seem just and reasonable in his or their Discretion, in and by his or their Order of Dismissal or Order of Dismissal aforesaid, and shall be recoverable in the same Manner and under Warrants as any Penalty or Sum of Money adjudged to be paid in and by such Conviction or Order is to be recovered, and in Cases where there is no such Penalty or Sum of Money thereby recovered then such Costs shall be recoverable by Distress and Sale of the Goods and Chattels of the Defendant in default of such Distress by Imprisonment, with or without Labour, for any Time not exceeding One Calendar Month unless such Costs shall be sooner paid.

Power to Justice to issue Warrant of Distress.

XIX. And be it enacted, That where a Conviction adjudges a pecuniary Penalty or Compensation to be paid, or where an Order requires the Payment of a Sum of Money, and by Statute authorizing such Conviction or Order such Penalty or Compensation, or Sum of Money is to be levied upon the Goods and Chattels of the Defendant by Distress and Sale thereof, also in Cases where by the Statute in that Behalf no Mode of raising or levying such Penalty, Compensation, or Sum of Money, or of enforcing the Payment of the same, is stated or provided, it shall be lawful for the Justice or Justices making such Conviction or Order, or for any Justice of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, to issue his or their Warrant of Distress (N. 1. 2.) for the Purpose of levying the same, which said Warrant of Distress shall be in Writing under the Hand and Seal of the Justice making the same; and if after Delivery of such Warrant of Distress to the Constable or Constables to whom the same shall have been directed to be executed sufficient Distress shall not be found within the Limits of the Jurisdiction of the Justice granting such Warrant, then, upon Proof alone to be made on Oath of the Handwriting of the Justice granting

How Warrant to be backed.

Warrant before any Justice of any other County or Place, such Justice of such other County or Place shall thereupon make an Indorsement (N. 3.) on such Warrant, signed with his Hand, authorizing the Execution of such Warrant within the Limits of his Jurisdiction, by virtue of which said Warrant and Indorsement the Penalty or Sum aforesaid, and Costs, or so much thereof as may not have been before levied or paid, shall and may be levied by the Person bringing such Warrant, or by the Person or Persons to whom such Warrant was originally directed, or by any Constable or other Peace Officer of such last-mentioned County or Place, by Distress and Sale of the Goods and Chattels of the Defendant in such other County or Place: Provided always, that whenever it shall appear to any Justice of the Peace to whom Application shall be made for any such Warrant of Distress as aforesaid that the issuing thereof would be ruinous to the Defendant and his Family, or wherever it shall appear to such Justice, by the Confession of the Defendant or otherwise, that he hath no Goods or Chattels whereon to levy such Distress, then and in every such Case it shall be lawful for such Justice, if he shall deem it fit, instead of issuing such Warrant of Distress, to commit such Defendant to the House of Correction, or if there be no House of Correction within his Jurisdiction then to the Common Gaol, there to be imprisoned, with or without hard Labour, for such Time and in such Manner as by Law such Defendant might be so committed in case such Warrant of Distress had issued, and no Goods or Chattels could be found whereon to levy such Penalty or Sum and Costs aforesaid.

XX. And be it enacted, That in all Cases where a Justice of the Peace shall issue any such Warrant of Distress it shall be lawful for him to suffer the Defendant to go at large, or verbally, or by a written Warrant in that Behalf, to order the Defendant to be kept and detained in safe Custody until Return shall be made to such Warrant of Distress, unless such Defendant shall give sufficient Security, by Recognizance or otherwise, to the Satisfaction of such Justice, for his Appearance before him at the Time and Place appointed for the Return of such Warrant of Distress, or before such other Justice or Justices for the same County, Riding, Division, Liberty, City, Borough, or Place as may then be there: Provided always, that in all Cases where a Defendant shall give Security by Recognizance as aforesaid, and shall not afterwards appear at the Time and Place in such Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) on the Back of the Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which the Offence shall be laid to have been committed, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed

Where the issuing a Warrant would be ruinous to Defendant, or where there are no Goods, Justice may commit him to Prison.

Justice, after issuing Warrant, may suffer Defendant to go at large, or order him into Custody, until Return be made, unless he gives Security by Recognizance;

but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

sufficient *prima facie* Evidence of such Nonappearance of said Defendant.

In default of Sufficiency of Distress, Justice may commit Defendant to Prison.

XXI. And be it enacted, That if at the Time and Place pointed for the Return of any such Warrant of Distress Constable who shall have had the Execution of the same shall return (N. 4.) that he could find no Goods or Chattels or sufficient Goods or Chattels whereon he could levy the Sum or Sums therein mentioned, together with the Costs of or occasioned by the levying of the same, it shall be lawful for the Justice of the Peace before whom the same shall be returned to issue a Warrant of Commitment (N. 5.) under his Hand and Seal directed to the same or any other Constable, reciting the Conviction or Order shortly, the issuing of the Warrant of Distress and the Return thereto, and requiring such Constable to convey such Defendant to the House of Correction, or if there be no House of Correction then to the Common Gaol of the County, Riding, Division, Liberty, City, Borough, or Place for which such Justice shall then be acting, and there to deliver him to the Keeper thereof, and requiring such Keeper to receive the Defendant into such House of Correction or Gaol, and there to imprison him, or to imprison him and keep him to hard Labour in such Manner and for such Time as shall have been directed and appointed by the Statute on which the Conviction or Order mentioned in such Warrant of Distress was founded, unless the Sum or Sums adjudged to be paid, and all Costs and Charges of the Distress, and also the Costs and Charges of the Commitment and conveying of the Defendant to Prison, if such Justice shall think fit so to order, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

In all Cases of Penalties, Convictions, or Orders, where the Statute provides no Remedy in default of Distress, Justice may commit Defendant to Prison.

XXII. ' And whereas by some Acts of Parliament Justices of the Peace are authorized to issue Warrants of Distress to levy Penalties or other Sums recovered before them by Warrant of Distress and Sale of the Offender's Goods, but no further Remedy is thereby provided in case no sufficient Distress be found whereon to levy such Penalties: Be it therefore enacted, That in all such Cases, and in all Cases of Convictions or Orders where the Statute on which the same are respectively founded provides no Remedy in case it shall be returned to a Warrant of Distress thereon that no sufficient Goods of the Party against whom such Warrant shall have been issued can be found, it shall nevertheless be lawful for the Justice to whom such Return is made, or to any other Justice of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, as he or they shall think fit, by his Warrant as aforesaid, to commit the Defendant to the House of Correction or Common Gaol aforesaid for any Term not exceeding Three Calendar Months unless the Sum or Sums adjudged to be paid, and all Costs and Charges of the Distress, and of the Commitment and conveying of the Defendant to Prison, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

XXIII. A

XXIII. And be it enacted, That in all Cases where the Statute by virtue of which a Conviction for a Penalty or Compensation, or an Order for the Payment of Money, is made, makes no Provision for such Penalty or Compensation or Sum being levied by Distress, but directs that if the same be not paid forthwith, or within a certain Time therein mentioned, or to be mentioned in such Conviction or Order, the Defendant shall be imprisoned, or imprisoned and kept to hard Labour, for a certain Time, unless such Penalty, Compensation, or Sum shall be sooner paid, in every such Case such Penalty, Compensation, or Sum shall not be levied by Distress; but if the Defendant do not pay the same, together with Costs, if awarded, forthwith, or at the Time specified in such Conviction or Order for the Payment of the same, it shall be lawful for the Justice or Justices making such Conviction or Order, or for any other Justice of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, to issue his or their Warrant of Commitment (O. 1. 2.) under his or their Hand and Seal or Hands and Seals, requiring the Constable or Constables to whom the same shall be directed to take and convey such Defendant to the House of Correction or Common Gaol for the County, Riding, Division, Liberty, City, Borough, or Place aforesaid, as the Case may be, and there to deliver him to the Keeper thereof, and requiring such Keeper to receive such Defendant into such House of Correction or Gaol, and there to imprison him, or to imprison him and keep him to hard Labour, as the Case may be, for such Time as the Statute on which such Conviction or Order is founded as aforesaid shall direct, unless the Sum or Sums adjudged to be paid, and also the Costs and Charges of taking and conveying the Defendant to Prison, if such Justice or Justices shall think fit so to order, shall be sooner paid.

Power to Justices to order Commitment in the first instance for Non-payment of a Penalty or of a Sum ordered to be paid.

XXIV. And be it enacted, That where a Conviction does not order the Payment of any Penalty, but that the Defendant be imprisoned, or imprisoned and kept to hard Labour, for his Offence, or where an Order is not for the Payment of Money, but for the doing of some other Act, and directs that in case of the Defendant's Neglect or Refusal to do such Act he shall be imprisoned, or imprisoned and kept to hard Labour, and the Defendant neglects or refuses to do such Act, in every such Case it shall be lawful for such Justice or Justices making such Conviction or Order, or for some other Justice of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, to issue his or their Warrant of Commitment (P. 1. 2.) under his or their Hand and Seal or Hands and Seals, and requiring the Constable or Constables to whom the same shall be directed to take and convey such Defendant to the House of Correction or Common Gaol for the same County, Riding, Division, Liberty, City, Borough, or Place, as the Case may be, and there to deliver him to the Keeper thereof, and requiring such Keeper to receive such Defendant into such House of Correction or Gaol, and there to imprison him, or to imprison him and keep him to hard Labour, as the Case may be, for such

Power to Justices to order Commitment where the Conviction is not for a Penalty, nor the Order for Payment of Money, and the Punishment is by Imprisonment, &c.

Costs may be
levied by Dis-
tress, and in
default Defen-
dant may be
committed for
further Term.

Imprisonment
for a subsequent
offence to com-
mence at Ex-
piration of that
or previous
offence.

If Information
be dismissed
Costs may be
recovered by
Distress upon
Prosecutor, &c.,
who in default
may be com-
mitted.

After Appeal
against Convic-
tion or Order
Justice may
issue Warrants
of Distress for
Execution of
the same.

Costs of Ap-
peal, how re-
covered.

such Time as the Statute on which such Conviction or Order is founded as aforesaid shall direct; and in all such Cases where by such Conviction or Order any Sum for Costs shall be adjudged to be paid by the Defendant to the Prosecutor or Complainant, such Sum may, if the Justice or Justices think fit, be levied by Warrant of Distress aforesaid, and in default of Distress the same House of Correction or Committment shall think fit, there to be imprisoned for a Calendar Month, to commence at the expiration of the Term of imprisonment he shall then be under, and all Costs and Charges of the Defendant to Prison, if such Justice or Justices shall so to order, shall be sooner paid.

XXV. And be it enacted, That if any Justice of the Peace shall upon any such Conviction or Order aforesaid adjudge the Defendant to be committed to Prison, the Defendant shall then be in Prison upon a Conviction for any other Offence, and shall be forthwith delivered to the Gaoler directed; and it shall be lawful for the Justice or Justices suing the same, if he or they shall think fit, to cause the Imprisonment to commence at the Expiration of the Term to which such Defendant shall have been committed or sentenced.

XXVI. And be it enacted, That if any Information be dismissed, the Costs of such Information shall be awarded for Costs which shall be awarded for Costs which shall be recovered by Distress (Q. 1.) of the Prosecutor or Complainant, and in default of Distress or Payment of the same the Defendant may be committed (Q. 2.) to the Common Gaol in manner aforesaid for a Calendar Month, unless the Costs of the Distress, and of the Charges of the Prosecutor or Complainant thereof being ascertained and shall be sooner paid.

XXVII. And be it enacted, That if any such Conviction or Order shall be made in favour of the Defendant, the Justice or Justices who made such Conviction or Order, or any other Justice of the Peace of the County, Liberty, City, Borough, or Town, shall issue Warrant of Distress or Commitment as in and by the Statute in that behalf made, the same, as if no such Appeal had been made, and in any such Appeal the Court of Sessions shall order either Party to pay Costs, such Or

be paid to the Clerk of the Peace of such Court, to be by him paid over to the Party entitled to the same, and shall state within what Time such Costs shall be paid; and if the same shall not be paid within the Time so limited, and the Party ordered to pay the same shall not be bound by any Recognizance conditioned to pay such Costs, such Clerk of the Peace or his Deputy, upon Application of the Party entitled to such Costs, or of any Person on his Behalf, and on Payment of a Fee of One Shilling, shall grant to the Party so applying a Certificate (R.) that such Costs have not been paid; and upon Production of such Certificate to any Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, it shall be lawful for him or them to enforce the Payment of such Costs by Warrant of Distress (S. 1.) in manner aforesaid, and in default of Distress he or they may commit (S. 2.) the Party against whom such Warrant shall have issued in manner herein-before mentioned for any Time not exceeding Three Calendar Months, unless the Amount of such Costs, and all Costs and Charges of the Distress, and also the Costs of the Commitment and conveying of the said Party to Prison, if such Justice or Justices shall think fit so to order, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

XXVIII. And be it enacted, That in all Cases where any Person against whom a Warrant of Distress shall issue as aforesaid shall pay or tender to the Constable having the Execution of the same the Sum or Sums in such Warrant mentioned, together with the Amount of the Expenses of such Distress up to the Time of such Payment or Tender, such Constable shall cease to execute the same; and in all Cases in which any Person shall be imprisoned as aforesaid for Nonpayment of any Penalty or other Sum, he may pay or cause to be paid to the Keeper of the Prison in which he shall be so imprisoned the Sum in the Warrant of Commitment mentioned, together with the Amount of the Costs, Charges, and Expenses (if any) therein also mentioned, and the said Keeper shall receive the same, and shall thereupon discharge such Person, if he be in his Custody for no other Matter.

XXIX. And be it enacted, That in all Cases of summary Proceedings before a Justice or Justices of the Peace out of Sessions upon any Information or Complaint as aforesaid it shall be lawful for One Justice to receive such Information or Complaint, and to grant a Summons or Warrant thereon, and to issue his Summons or Warrant to compel the Attendance of any Witnesses, and to do all other necessary Acts and Matters preliminary to the hearing, even in Cases where by the Statute in that Behalf such Information or Complaint must be heard and determined by Two or more Justices; and after the Case shall have been so heard and determined One Justice may issue all Warrants of Distress or Commitment thereon; and it shall not be necessary that the Justice who so acts before or after such hearing shall be the Justice or One of the Justices by

On Payment of Penalty, &c. Distress not to be levied, or the Party, if imprisoned for Nonpayment, shall be discharged.

In Cases of summary Proceedings One Justice may issue Summons or Warrant, &c. and after Conviction or Order may issue Warrant of Distress, &c.

whom the said Case shall be heard and d always, that in all Cases where by Statu required that any such Information or Com and determined by Two or more Justices, or Order shall be made by Two or more J must be present and acting together duri hearing and Determination of the Case.

Regulations as
to the Payment
of Clerks Fees.

XXX. And be it enacted, That the Fee of the Peace, Clerk of the Special Sessio Petty Sessions, or Clerk to any Justice Sessions, shall be entitled, shall be ascert regulated in manner following; (that is t of the Peace at their Quarter Sessions for Ridings, Divisions of Counties, and Libert land and *Wales*, and the Council or other every Borough in *England* and *Wales*, Time as they shall see fit respectively, mak which in their Opinion should be paid t Peace, to the Clerks of Special and Pet the Clerks of the Justices of the Peace Jurisdictions, and which said Tables respec by the Chairman of every such Court of by the Mayor or other head Officer of any tively, shall be laid before Her Majesty's F State; and it shall be lawful for such Sec thinks fit, to alter such Table or Tables o scribe a Certificate or Declaration that suc be demanded and received by the several Clerks of Special Sessions and Petty Sess to the several Justices of the Peace thro *Wales*; and such Secretary of State shall Table or Set of Tables of Fees to be trans Clerks of the Peace throughout *England* them distributed to the several Clerks of Petty Sessions and to the Clerks to the several Districts respectively; and if after received by such Clerks or Clerk he or t receive any other or greater Fee or Grati or Act transacted or done by him as such set down in such Table or Set of Tables every such Demand or Receipt the Sum o be recovered by Action of Debt in any of of Law at *Westminster* by any Person v same: Provided always, that until such T shall be framed and confirmed and distri shall be lawful for such Clerk or Clerks to such Fees as they are now by any Rule Court of Quarter Sessions or otherwise and receive.

Regulations as
to whom Penal-
ties, &c. to be
paid.

XXXI. And be it enacted, That in ev tress to be issued as aforesaid the Constab whom the same shall be directed shall be

pay the Amount of the Sum to be levied thereunder unto the Clerk of the Division in which the Justice or Justices issuing such Warrant shall usually act; and if any Person convicted of any Penalty, or ordered by a Justice or Justices of the Peace to pay any Sum of Money, shall pay the same to any Constable or other Person, such Constable or other Person shall forthwith pay the same to such Clerk; and if any Person committed to Prison upon any Conviction or Order as aforesaid for Nonpayment of any Penalty, or of any Sum thereby ordered to be paid, shall desire to pay the same and Costs before the Expiration of the Time for which he shall be so ordered to be imprisoned by the Warrant for his Commitment, he shall pay the same to the Gaoler or Keeper of the Prison in which he shall be so imprisoned, and such Gaoler or Keeper shall forthwith pay the same to the said Clerk; and all Sums so received by the said Clerk shall forthwith be paid by him to the Party or Parties to whom the same respectively are to be paid, according to the Directions of the Statute on which the Information or Complaint in that Behalf shall have been framed; and if such Statute shall contain no such Directions for the Payment thereof to any Person or Persons, then such Clerk shall pay the same to the Treasurer of the County, Riding, Division, Liberty, City, Borough, or Place for which such Justice or Justices shall have acted, and for which such Treasurer shall give him a Receipt without Stamp; and every such Clerk, and every such Gaoler or Keeper of a Prison, shall keep a true and exact Account of all such Monies received by him, of whom and when received, and to whom and when paid, in the Form (T.) in the Schedule to this Act annexed, or to the like Effect, and shall once in every Month render a fair Copy of every such Account unto the Justices who shall be assembled at the Petty Sessions for the Division in which such Justice or Justices aforesaid shall usually act, to be holden on or next after the First Day of every Month, under the Penalty of Forty Shillings, to be recovered by Distress in manner aforesaid; and the said Clerk shall send or deliver every Return so made by him as aforesaid to the Clerk of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place within which such Division shall be situate, at such Times as the Court of Quarter Sessions for the same shall order in that Behalf.

Clerks to keep Accounts of all Monies received, &c., in the Form in Schedule to this Act, and render the same to the Justices at Sessions.

XXXII. And be it enacted, That the several Forms in the Schedule to this Act contained, or Forms to the like Effect, shall be deemed good, valid, and sufficient in Law.

Forms in the Schedule deemed valid.

XXXIII. And be it enacted, That any One of the Magistrates appointed or hereafter to be appointed to act at any of the Police Courts of the Metropolis, and sitting at a Police Court within the Metropolitan Police District, and every Stipendiary Magistrate appointed or to be appointed for any other City, Town, Liberty, Borough, or Place, and sitting at a Police Court or other Place appointed in that Behalf, shall have full Power to do alone whatsoever is authorized by this

Metropolitan Police Magistrates and Stipendiary Magistrates in other Places may act alone.

Act

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ct shall not
tend.

Act to be done by any One or more Justices of the Peace; and that the several Forms therein be varied, so far as it may be necessary, so as to be applicable to the Police Courts aforesaid. And nothing in this Act contained shall extend to repeal or take away whatsoever any of the Powers, Functions, or Jurisdictions retained in an Act passed in the Tenth Year of the late Majesty King George the Fourth, intituled *An Act for improving the Police in and near the City of London*, passed in the Third Year of the said late Majesty, or in an Act intituled *An Act for further improving the Police in the Metropolis*, or in an Act passed in the Tenth Year of Her present Majesty, intituled *An Act for the better Police Courts in the Metropolis*, or in an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for better defining the Metropolitan Police District*.

XXXIV. And be it enacted, That the Lord Mayor of the City of London, or any Alderman of the said City, or any Justice of the Peace for the said City, may, at either of the said Justice Rooms in the said City, or at either of the said Justice Courts now in force, or by any Law not inconsistent with the provisions hereafter directed to be done by more than one Justice, do, or cause to be done, nothing in this Act contained shall extend to repeal or take away whatsoever any of the Powers, Functions, or Jurisdictions retained in an Act passed in the Tenth Year of the late Majesty, intituled *An Act for improving the Police in and near the City of London*.

XXXV. And be it enacted, That nothing in this Act extend or be construed to extend to repeal or take away the Removal of any poor Person or Family from one Parish, Township, or Poor Law Union, or Orders made with respect to the same, or incurred for the Lodging, Maintenance, or Care of any Lunatic or insane Person, or Complaint or other Proceeding in relation to the same, or of the Statutes relating to Her Majesty's Customs, Stamps, Taxes, or Poor Rates, or any Orders, or Warrants in Matters of the same, or putative Father of any Bastard Child, or the Provisions aforesaid as relating to the same, or compelling the Appearance of any Person, or Warrants of Distress, or to the levying of any Rate, or to the Imprisonment of a Defendant, or to the same; nor shall any thing in this Act extend or be construed to extend to repeal or take away under the Acts of Parliament relating to the Labour of Children and Factory Acts.

XXXVI. And be it enacted, That the following Statutes and Parts of Statutes shall from and after the Day on which this Act shall commence and take effect be and the same are hereby repealed; (that is to say,) so much of a certain Act of Parliament made and passed in the Eighteenth Year of the Reign of Her Majesty Queen *Elizabeth*, intituled *An Act to redress Disorders in Common Informers*, as relates to exhibiting an Information and pursuing the same in Person, and not by any Attorney or Deputy; and so much of a certain other Act made and passed in the Thirty-first Year of the Reign of Her said Majesty Queen *Elizabeth*, intituled *An Act concerning Informers*, as relates to the Time limited for exhibiting an Information for a Forfeiture upon any Penal Statute; and so much of a certain other Act made and passed in the Twenty-seventh Year of the Reign of His Majesty King *George* the Second, intituled *An Act for the more easy and effectual proceeding upon Distresses to be made by Warrants of Justices of the Peace*, as relates to such Distresses; and so much of an Act made and passed in the Eighteenth Year of His late Majesty King *George* the Third, intituled *An Act for the Payment of Costs to Parties on Complaints determined before Justices of the Peace out of Sessions, for the Payment of the Charges of Constables in certain Cases, and for the more effectual Payment of Charges to Witnesses and Prosecutors of any Larceny or other Felony*, as relates to such Costs on the said Complaints; and so much of a certain other Act made and passed in the Thirty-third Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to authorize Justices of the Peace to impose Fines upon Constables, Overseers, and other Peace or Parish Officers for Neglect of Duty, and on Masters of Apprentices for ill Usage of such their Apprentices, and also to make Provision for the Execution of Warrants of Distress granted by Magistrates*, as relates to the Executions of such Warrants of Distress; and a certain other Act made and passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to facilitate summary Proceedings before Justices of the Peace and others*; and a certain other Act made and passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, and for facilitating the Execution of Warrants by Constables*; and so much of a certain Act made and passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for enabling Persons indicted for Felony to make their Defence by Counsel or Attorney*, as relates to the Right of Persons accused, in Cases of summary Convictions, to make their Defence, and to have a. l. Witnesses examined and cross-examined by Counsel or Attorney; and all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act save and except so much of the said several Acts as repeal any other Acts or Parts of Acts, and also

After Commencement of this Act the following Statutes and Parts of Statutes repealed:
18 Eliz. c. 5. s. 1.
in part.

31 Eliz. c. 5. s. 5.
in part.

27 G. 2. c. 20.
ss. 1, 2.

18 G. 3. c. 19.
ss. 1, 2, 3, 5.

33 G. 3. c. 55.
s. 3.

3 G. 4. c. 23.

5 G. 4. c. 18.

6 & 7 W. 4.
c. 114. s. 2.

except

except as to Proceedings now pending to which the same or of them are applicable.

et to extend
Berwick-
pon-Tweed,
ut not to Scot-
nd, Ireland,
c., except as
backing of
Warrants under
1 & 12 Vict.
42.

XXXVII. And be it enacted, That the Town of *Berwick-upon-Tweed* shall be deemed to be within *England* for all Purposes of this Act; but that nothing in this Act shall extend or be construed to extend to *Scotland* or *Ireland*, or to the Towns of *Man*, *Jersey*, *Guernsey*, *Alderney*, or *Sark*, save and except the several Provisions respecting the backing of Warrants contained in an Act of Parliament passed in this present Session intituled *An Act to facilitate the Performance of the Duties of Justices of Sessions within England and Wales with respect to Persons charged with indictable Offences*, and incorporated in this Act, as aforesaid.

Commencement
of Act.

XXXVIII. And be it enacted, That this Act shall commence and take effect from the Second Day of *October* in the Year of our Lord One thousand eight hundred and forty-eight.

Act may be
repealed, &c.

XXXIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE.

(A.)

Summons to the Defendant upon an Information or Complaint

To *A.B.* of *Labourer.*

WHEREAS Information hath this Day been laid [or Complaint hath this Day been made] before the undersigned, [One] of Her Majesty's Justices of the Peace in and for the said [County] of [] for that you [here state shortly the Matter of the Information or Complaint]: These are therefore to command you, in Her Majesty's Name, to be and appear on [] at [] o'Clock in the Forenoon at [] before the Justices of the Peace for the said County as may then be directed to answer to the said Information [or Complaint], and to be further dealt with according to Law.

Given under my Hand and Seal, this [] Day of [] in the Year of our Lord [] at [] in the [County] aforesaid.

J.S. (L.S.)

(B.)

Warrant where the Summons is disobeyed.

To the Constable of [] and to all other Peace Officers in the said [County] of []

WHEREAS on [] last past Information was laid [or Complaint was made] before the undersigned, [One] of Her Majesty's Justices of the Peace in and for the said County

of . for that *A.B.* [*&c., as in the Summons*]: And whereas I then issued my Summons unto the said *A.B.*, commanding him, in Her Majesty's Name, to be and appear on at o'Clock in the Forenoon at before such Justices of the Peace for the said County as might then be there, to answer to the said Information [*or Complaint*], and to be further dealt with according to Law: And whereas the said *A.B.* hath neglected to be or appear at the Time and Place so appointed in and by the said Summons, although it hath now been proved to me upon Oath that the said Summons hath been duly served upon the said *A.B.*: These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before some One or more of Her Majesty's Justices of the Peace in and for the said County, to answer to the said Information [*or Complaint*], and to be further dealt with according to Law.

Given under my Hand and Seal, this Day of
in the Year of our Lord at in the [*County*]
aforesaid.

J.S. (L.S.)

(C.)

Warrant in the first instance.

To the Constable of and to all other Peace
Officers in the said [*County*] of

WHEREAS Information hath this Day been laid before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that *A.B.* [*here state shortly the Matter of the Information*]; and Oath being now made before me substantiating the Matter of such Information, These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before some One or more of Her Majesty's Justices of the Peace in and for the said County, to answer to the said Information, and to be further dealt with according to Law.

Given under my Hand and Seal, this Day of
in the Year of our Lord at in the [*County*]
aforesaid.

J.S. (L.S.)

(D.)

Warrant of Committal for safe Custody during an Adjournment of the Hearing.

To *W.T.*, Constable of and to the Keeper of
the [*House of Correction*] at

WHEREAS on last past Information was laid [*or Complaint was made*] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]: And whereas the

(G. 2.)

Warrant where a Witness has not obeyed a

To the Constable of _____ and to
 Officers in the said [County] of _____

WHEREAS Information was laid [or Compl
 before the undersigned, [One] of Her Majesty's
 Peace in and for the said [County] of
 [&c., as in the Summons]; and it having been
 to me upon Oath that *E.F.* of _____ in t
Labourer, was likely to give material Evidence
 [Prosecutor], I did duly issue my Summons to
 requiring him to be and appear on
 o'Clock in the Forenoon of the same Day at
 fore such Justices of the Peace for the said C
 then be there, to testify what he should know
 said *A.B.*, or the Matter of the said Inform
 plaint]: And whereas Proof hath this Day be
 me upon Oath of such Summons having been d
 the said *E.F.*, and of a reasonable Sum having
 tendered] to him for his Costs and Expenses
 And whereas the said *E.F.* hath neglected to
 Time and Place appointed by the said Summo
 Excuse hath been offered for such Neglect: I
 fore to command you to take the said *E.F.*, an
 have him on _____ at
 Forenoon at _____ before such Justic
 for the said County as may then be there, to
 shall know concerning the Matter of the said
 Complaint].

Given under my Hand and Seal, this
 of _____ in the Year of our Lord
 in the [County] aforesaid.

(G. 3.)

Warrant for a Witness in the first inst

To the Constable of _____ and to
 Officers in the [County] of _____

WHEREAS Information was laid [or Compl
 before the undersigned, [One] of Her Majesty's
 Peace in and for the said [County] of
 [&c., as in the Summons]; and it being made t
 me upon Oath that *E.F.* of _____ [Lat
 to give material Evidence on behalf of the [Pro
 Matter, and it is probable that the said *E.F.* wi
 give Evidence without being compelled so to
 therefore to command you to bring and have
 before me on _____ at _____ o'Clo

noon at or before such other Justices of the Peace for the said County as may then be there, to testify what he shall know concerning the Matter of the said Information [or Complaint].

Given under my Hand and Seal, this Day of
in the Year of our Lord at in the [County]
aforesaid.

J. S. (L.S.)

(G. 4.)

Commitment of a Witness for refusing to be sworn or to give Evidence.

To W. T., Constable of in the said [County]
of and to the Keeper of the [House of
Correction] at

WHEREAS Information was laid [or Complaint was made] before the undersigned, [One] of Her Majesty's Justices of the Peace in and for the said [County] of for that [&c., as in the Summons]; and one E. F. now appearing before me such Justice as aforesaid on at and being required by me to make Oath or Affirmation as a Witness in that Behalf, hath now refused so to do [or, being now here duly sworn as a Witness in the Matter of the said Information or Complaint, doth refuse to answer certain Questions concerning the Premises which are now here put to him], without offering any just Excuse for such his Refusal: These are therefore to command you the said Constable to take the said E. F., and him safely convey to the [House of Correction] at aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said [House of Correction] to receive the said E. F. into your Custody in the said [House of Correction], and there imprison him for such his Contempt for the Space of Days, unless he shall in the meantime consent to be examined and to answer concerning the Premises; and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this Day of
in the Year of our Lord at in the [County]
aforesaid.

J. S. (L.S.)

H.

Warrant to remand a Defendant when apprehended.

To W. T., Constable of and to the Keeper
of the [House of Correction] at

WHEREAS Information was laid [or Complaint was made] before the undersigned, [One] of Her Majesty's Justices of the Peace in and for the said [County] of , for that [&c., as in the Summons or Warrant]; And whereas the said
[No. 25. Price 2d.] B b A. B.

sufficient Distress in that Behalf* I adjudge the said *A.B.* to be imprisoned in the said House of Correction [*and there kept to hard Labour*] for the Space of _____ to commence _____ and from the Termination of his Imprisonment aforesaid, until the said Sum for Costs shall be sooner paid.

Given under my Hand and Seal, the Day and Year above mentioned, at _____ in the County aforesaid.

J.S. (L.S.)

* Or where the issuing of a Distress Warrant would be ruinous to the Defendant or his Family, or it appears that he has no Goods whereon to levy a Distress, then, instead of the Words between the Asterisks**, say, "inasmuch as it hath been made to appear to me [that the issuing of a Warrant for Distress in this Behalf would be ruinous to the said *A.B.* and his Family," or "that the said *A.B.* hath no Goods or Chattels whereon to levy the said Sum for Costs by Distress," I adjudge," &c.

(K. 1.)

Order for Payment of Money to be levied by Distress, and in default of Distress Imprisonment.

BE it remembered, That on _____ Compl
to wit. } was made before the undersigned, [One] of
Majesty's Justices of the Peace in and for the said [County], for that [stating the Facts entitling the Complainant to the Order, with the Time and Place when and where they occurred]; and now at this Day, to wit, on _____ at _____ the Parties aforesaid appear before me the said Justice, [or the said *C.D.* appears before me the said Justice, but the said *A.B.*, although duly called, doth not appear by himself, his Counsel or Attorney, and it is now satisfied and proved to me on Oath that the said *A.B.* has been duly served with the Summons in this Behalf which required him to appear here at this Day before such Justices of the Peace for this said County as should now be here, to answer the Complaint, and to be further dealt with according to Law; and now, having heard the Matter of the said Complaint, I adjudge the said *A.B.* [to pay to the said *C.D.* the Sum of _____ forthwith, or on or before _____ next, or as the Statute require], and also to pay to the said *C.D.* the Sum of _____ for his Costs in this Behalf; and if the said several Sums be not paid forthwith [or on or before _____ next] * I hereby order that the same be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; and in default of sufficient Distress in that Behalf* I adjudge the said *A.B.* to be imprisoned in the [House of Correction] at _____ in the [County], [*and there kept to hard Labour*] for the Space of _____ unless the said several Sums, and all Costs and Charges of

said Distress [*and of the Commitment and conveying of the said A.B. to the said House of Correction*], shall be sooner paid.

Given under my Hand and Seal, this Day of
in the Year of our Lord at in the [County]
aforesaid. J.S. (L.S.)

* Or where the issuing of a Distress Warrant would be ruinous to the Defendant or his Family, or it appears that he has no Goods whereon to levy a Distress, then, instead of the Words between the Asterisks**, say, "then, inasmuch as it hath now been made to appear to me [that the issuing of a Warrant of Distress in this Behalf would be ruinous to the said A.B. and his Family," or "that the said A.B. hath no Goods or Chattels whereon to levy the said Sums by Distress], I adjudge," &c.

(K. 2.)

*Order for Payment of Money, and in default of Payment
Imprisonment.*

} BE it remembered, That on Complaint
to wit. } was made before the undersigned, [One] of Her
Majesty's Justices of the Peace in and for the said [County]
of for that [*stating the Facts entitling the Complaint-
ant to the Order, with the Time and Place when and where they
occurred*]; and now at this Day, to wit, on at
the Parties aforesaid appear before me the said Justice [*or the
said C.D. appears before me the said Justice, but the said A.B.,
although duly called, doth not appear by himself, his Counsel
or Attorney, and it is now satisfactorily proved to me on Oath
that the said A.B. has been duly served with the Summons in
this Behalf which required him to be and appear here on this
Day before such Justices of the Peace for the said County as
should now be here, to answer the said Complaint, and to be
further dealt with according to Law*]; and now, having heard
the Matter of the said Complaint, I do adjudge the said A.B.
[to pay to the said C.D. the Sum of forthwith, or on
or before next, or as the Statute may require], and
also to pay to the said C.D. the Sum of for his Costs
in this Behalf; and if the said several Sums be not paid forth-
with [*or on or before next*], I adjudge the said A.B.
to be imprisoned in the [*House of Correction*] at
in the said County [*there to be kept to hard Labour*] for the
Space of unless the said several Sums [*and the Costs
and Charges of conveying the said A.B. to the said House of
Correction*] shall be sooner paid.

Given under my Hand and Seal, this Day of
in the Year of our Lord at in the [County]
aforesaid. J.S. (L.S.)

thereby ordered that if the said several Sums should not be [forthwith] the same should be levied by Distress and Sale of the Goods and Chattels of the said A.B.; and it was then also adjudged that in default of sufficient Distress the A.B. should be imprisoned in the [House of Correction] at in the said County [and there kept to Labour] for the Space of unless the said several Sums, and all Costs and Charges of the said Distress, and the Commitment and conveying of the said A.B. to the [House of Correction], should be sooner paid: And whereas said A.B. being so convicted as aforesaid, and being [required to pay the said Sums of and hath not paid the same or any Part thereof, but therein made default: These are therefore to command you, in Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said A.B.; and if within the Space of Days next after the making of such Distress the said Sums together with the reasonable Charges of taking and keeping Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising by such Sale unto the Clerk of the Justices of the Peace for the Division of in the said [County] that he may pay and apply the same as by Law is directed; and may render the Overplus, if any, on Demand, to the said A.B. and if no such Distress can be found, then that you certify the same unto me, to the end that such further Proceedings may be had thereon as to the Law doth appertain.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [County] aforesaid.

J.S. (L.S.)

(N. 2.)

Warrant of Distress upon an Order for the Payment of Money

To the Constable of and to all other Officers in the said [County] of

WHEREAS on last past, a Complaint was made before the undersigned, [One] of Her Majesty's Justices of Peace in and for the said County of for that [Grounds in the Order], and afterwards, to wit, on at the said Parties appeared before me [or as in the Order] thereupon having considered the Matter of the said Complaint I adjudged the said A.B. to [pay to the said C.D. the Sum of of on or before the then next], and also to pay to the said C.D. the Sum of for his Costs and Charges in that Behalf; and I thereby ordered that if the said several Sums should not be paid on or before the said then the same should be levied by Distress and Sale of the Goods and Chattels of the said A.B.; and it was adjudged that in default of sufficient Distress in that Behalf, the said A.B. should be imprisoned.

imprisoned in the [*House of Correction*] at _____ in the
 said County [*and there kept to hard Labour*] for the Space
 of _____ unless the said several Sums, and all Costs and
 Charges of the Distress, [*and of the Commitment and conveying
 of the said A.B. to the said House of Correction,*] should be
 sooner paid: And whereas the Time in and by the said Order
 appointed for the Payment of the said several Sums of
 and _____ hath elapsed, but the said *C.D.* hath not paid
 the same or any Part thereof, but therein hath made default:
 These are therefore to command you, in Her Majesty's Name,
 forthwith to make Distress of the Goods and Chattels of the said
A.B.; and if within the Space of _____ Days after the
 making of such Distress the said last-mentioned Sums, together
 with the reasonable Charges of taking and keeping the said
 Distress, shall not be paid, that then you do sell the said Goods
 and Chattels so by you distrained, and do pay the Money arising
 from such Sale unto _____ the Clerk of the Justices of
 the Peace for the Division of _____ in the said [*County*]
 that he may pay and apply the same as by Law directed, and
 may render the Overplus, if any, on Demand, to the said *A.B.*;
 and if no such Distress can be found, then that you certify the
 same unto me, to the end that such Proceedings may be had
 therein as to the Law doth appertain.

Given under my Hand and Seal, this _____ Day of _____
 in the Year of our Lord _____ at _____ in the [*County*]
 aforesaid.

J.S. (L.S.)

(N. 3.)

Endorsement in backing a Warrant of Distress.

to wit: WHEREAS Proof upon Oath hath this Day been
 made before me, One of Her Majesty's Justices of the Peace in
 and for the said County of _____ that the Name of *J.S.*
 to the within Warrant subscribed is of the Handwriting of the
 Justice of the Peace within mentioned: I do therefore authorize
W.T., who bringeth to me this Warrant, and all other Persons
 to whom this Warrant was originally directed, or by whom the
 same may be lawfully executed, and also all Constables and
 other Peace Officers of the said [*County*] of _____ to
 execute the same within the said County of _____

Given under my Hand, this _____ Day of _____

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J.B.

(N. 4.)

Constable's Return to a Warrant of Distress.

I, *W.T.*, Constable of _____ in the [*County*] of _____
 do hereby certify to *J.S.* Esquire, One of Her Majesty's Justices
 of the Peace for the said County, that by virtue of this Warrant
 I have

for the Space of _____ unless the said several Sums [the Costs and Charges of conveying the said A.B. to the House of Correction] should be sooner paid: And whereas Time in and by the said Order appointed for the Payment of the said several Sums of Money hath elapsed, but the said _____ hath not paid the same or any Part thereof, but therein made default: These are therefore to command you the Constable of _____ to take the said A.B. and him _____ convey to the said House of Correction at _____ afore- and there to deliver him to the Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said House of Correction to receive the said A.B. into your Custody in the said House of Correction, there to imprison him [and keep him to hard Labour] for the Space of _____ unless the said several Sums [and the Costs and Charges of conveying him to the said House of Correction, amounting to a further Sum of _____,] shall be sooner paid unto you the said Keeper; and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this _____ Day of _____
in the Year of our Lord _____ at _____ in the [County] of _____
aforesaid. J.S. (L.S.)

(P. 1.)

Warrant of Commitment on a Conviction where the Punishment is by Imprisonment.

To the Constable of _____ and to the Keeper of _____
the [House of Correction] at _____ in the
[County] of _____

WHEREAS A B., late of _____ [Labourer], was this _____
duly convicted before the undersigned, [One] of Her Majesty's Justices of the Peace in and for the said [County] of _____
for that [stating the Offence as in the Conviction], and it was thereby adjudged that the said A.B. for his said Offence should be imprisoned in the House of Correction at _____ in the said County [and there kept to hard Labour] for the Space of _____: These are therefore to command you the Constable of _____ to take the said A.B., and him _____ convey to the House of Correction at _____ afore- said, there to deliver him to the Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said House of Correction to receive the said A.B. into your Custody in the said House of Correction, there to imprison him [and keep him to hard Labour] for the Space of _____ and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this _____ Day of _____
in the Year of our Lord _____ at _____ in the [County] of _____
aforesaid. J.S. (L.S.)

(P. 2.)

Warrant of Commitment on an Order where the disobeying of it is punishable by Imprisonment.

To the Constable of _____ and to the Keeper of the
[House of Correction] at _____ in the said [County]
of _____

WHEREAS on _____ last past Complaint was made before the undersigned, [One] of Her Majesty's Justices of the Peace in and for the said County of _____ for that [&c., as in the Order], and afterwards, to wit, on _____ at _____ the said Parties appeared before me [or as it may be in the Order], and thereupon, having considered the Matter of the said Complaint, I adjudged the said A.B. to [&c., as in the Order], and that if, upon a Copy of the Minute of that Order being duly served upon the said A.B., either personally or by leaving the same for him at his last or most usual Place of Abode, he should neglect or refuse to obey the same, it was adjudged that in such Case the said A.B. for such his Disobedience should be imprisoned in the [House of Correction] at _____ in the said County [and there kept to hard Labour] for the Space of _____ [unless the said Order should be sooner obeyed]: And whereas it is now proved to me that after the making of the said Order a Copy of the Minute thereof was duly served upon the said A.B., but he then refused [or neglected] to obey the same, and hath not as yet obeyed the said Order: These are therefore to command you, the said Constable of _____, to take the said A.B., and him safely to convey to the [House of Correction] at _____ aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and I do hereby command you, the said Keeper of the said [House of Correction], to receive the said A.B. into your Custody in the said [House of Correction], there to imprison him [and keep him to hard Labour] for the Space of _____; and for so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this _____ Day of _____
in the Year of our Lord _____ at _____ in the [County]
aforesaid.

J.S. (L.S.)

(P. 3.)

Warrant of Distress for Costs upon a Conviction where the Offence is punishable by Imprisonment.

To the Constable of _____ and to all other Peace
Officers in the said [County] of _____.

WHEREAS A.B. of _____ Labourer, was on _____ last past duly convicted before the undersigned, [One] of Her Majesty's Justices of the Peace in and for the said County, for that [stating the Offence as in the Conviction], and it was thereby adjudged that the said A.B. for his said Offence should be imprisoned

soned in the *House of Correction* [and there kept to hard Labour] for
 and it was also thereby adjudged
 to the said *C.D.* the Sum of
 Behalf; and it was thereby ordered
 for Costs should not be paid [to be
 levied by Distress and Sale of the
A.B.; [and it was adjudged that in
 in that Behalf the said *A.B.* should
House of Correction [and there
 Space of to commence
 of his Imprisonment aforesaid, with
 and all Costs and Charges of the
 commitment and conveying of the said
Correction, should be sooner paid;
 being so convicted as aforesaid, the
 said Sum of for Costs of
 any Part thereof, but therein he
 therefore to command you, in His
 to make Distress of the Goods and
 and if within the Space of
 making of such Distress the said
 with the reasonable Charges of
 Distress, shall not be paid, that the
 and Chattels so by you distrained,
 from such Sale to the
 Peace for the Division of
 that he may pay the same as by Law
 the Surplus (if any), on Demand,
 such Distress can be found, then to
 me, to the end that such Proceedings
 the Law doth appertain.

Given under my Hand and Seal
 in the Year of our Lord
 aforesaid.

(P. 4.)

*Warrant of Distress for Costs upon
 of the Order is punishable*

To the Constable of
 Officers in the said [County]

WHEREAS ON
 before the undersigned, [One] of His
 Peace in and for the said County
as in the Order], and afterwards, to
 , the said Parties
 Justice as aforesaid [or as it may
 upon, having considered the Matter
 adjudged the said *A.B.* to [&c., and
 upon a Copy of the Minute of that

said *A.B.*, either personally or by leaving the same for him at his last or most usual Abode, he should neglect or refuse to obey the same, I adjudged that in such Case the said *A.B.* for such his Disobedience should be imprisoned in the *House of Correction* at _____ in the said *County* [*and there kept to hard Labour*] for the Space of _____ [*unless the said Order should be sooner obeyed*]; and I thereby also adjudged the said *A.B.* to pay to the said *C.D.* the Sum of _____ for his Costs in that Behalf; and I ordered that if the said Sum for Costs should not be paid [*forthwith*] the same should be levied of the Goods and Chattels of the said *A.B.*; [and in default of sufficient Distress in that Behalf I thereby adjudged that the said *A.B.* should be imprisoned in the said *House of Correction* [*and there kept to hard Labour*] for the Space of _____, to commence at and from the Termination of his Imprisonment aforesaid, unless the said Sum for Costs, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *A.B.* to the said *House of Correction*, should be sooner paid]: And whereas after the making of the said Order a Copy of the Minute thereof was duly served upon the said *A.B.*, but the said *A.B.* did not then pay, nor hath he paid, the said Sum of _____ for Costs, or any Part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *A.B.*, and if within the Space of _____ Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to _____ the Clerk of the Justices of the Peace for the Division of _____ in the said [*County*], that he may pay the same as by Law directed, and may render the Overplus, if any, on Demand, to the said *A.B.*, and if no such Distress can be found, then that you certify the same unto me, to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under my Hand and Seal, this _____ Day of _____ in the Year of our Lord _____ at _____ in the [*County*] aforesaid. *J.S.* (*L.S.*)

(P. 5.)

Warrant of Commitment for Want of Distress in either of the last Two Cases.

To the Constable of _____ and to the Keeper of the [*House of Correction*] at _____ in the said [*County*] of _____

WHEREAS [*&c., as in the last Two Forms respectively to the Asterisk (*), and then thus*]: And whereas afterwards, on the _____ Day of _____ in the Year aforesaid, I the said *J.S.* issued a Warrant to the Constable of _____ commanding him to levy the said Sum of _____ for Costs, by Distress and Sale of the Goods and Chattels of the said *A.B.*:
And

(R.)

*Certificate of Clerk of the Peace that the Costs of an Appeal
not paid.*

Office of the Clerk of the Peace for the [County] of
(Title of the Appeal.)

I HEREBY certify that at a Court of General Quarter
Sessions of the Peace holden at in and for the
[County] on last past, an Appeal by A.B. against
a Conviction [or Order] of J.S. Esquire, One of Her Majesty's
Justices of the Peace for the said [County], came on
to be tried, and was then heard and determined, and the said
Court of General Quarter Sessions thereupon ordered that the
said Conviction [or Order] should be confirmed [or quashed]
and that the said [Appellant] should pay to the said [Respondent]
the Sum of for his Costs incurred by him in the
said Appeal, and which Sum was thereby ordered to be paid
to the Clerk of the Peace of the said County on or before the
the Day of instant, to be by him
handed over to the said [Respondent]; and I further certify
that the said Sum for Costs has not, nor has any Part thereof
been paid in obedience to the said Order. Dated the
Day of 1849.

G.H.

[Deputy] Clerk of the Peace

(S. 1.)

*Warrant of Distress for Costs of an Appeal against a Conviction
or Order.*

To the Constable of and to all other
Officers in the said [County] of

WHEREAS [&c., as in the Warrants of Distress, N. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]

instant, duly certified that the said Sum for Costs had not then been paid: (*) These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said [A.B.], and if within the Space of Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to the Clerk of the Justices of the Peace for the Division of in the said [County], that he may pay and apply the same as by Law directed, and if no such Distress can be found, then that you certify the same unto me, to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under my Hand and Seal, this Day of
in the Year of our Lord at in the [County]
aforesaid. J.N. (L.S.)

(S. 2.)

Warrant of Commitment for Want of Distress in the last Case.

To the Constable of and to the Keeper of the
[House of Correction] at in the said [County] of

WHEREAS [&c., as in the last Form to the Asterisk (*), and then thus]: And whereas afterwards, on the Day of in the Year aforesaid, I the undersigned issued a Warrant to the Constable of commanding him to levy the said Sum of for Costs by Distress and Sale of the Goods and Chattels of the said A.B.: And whereas it appears to me, as well by the Return of the said Constable to the said Warrant of Distress as otherwise, that the said Constable hath made diligent Search for the Goods and Chattels of the said [A.B.], but that no sufficient Distress whereon to levy the Sum above mentioned could be found: These are therefore to command you the said Constable of to take the said A.B., and him safely to convey to the [House of Correction] at aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said [House of Correction] to receive the said A.B. into your Custody in the said [House of Correction], there to imprison him [and keep him to hard Labour] for the Space of unless the said Sum, and all Costs and Charges of the said Distress [and of the Commitment and conveying of the said A.B. to the said House of Correction], amounting to the further Sum of shall be sooner paid unto you the said Keeper; and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this Day of
in the Year of our Lord at in the [County]
aforesaid. J.N. (L.S.)

(T.)

Account of Clerk of the Justices at Petty Sessions, and of the Keeper of the Gaol or House of Correction.

MONTHLY RETURN to Her Majesty's Justices of the Peace at the Petty Sessions of the Peace for the Division of
in the County of _____ assembled on the _____ Day of _____ 1849, of Fines, Penalties, and Sums of
Money received by the Clerk of the said Court [or by the Keeper of the Gaol or House of Correction at _____],
and how applied, from the _____ Day of _____ 18 .

Name of Party convicted.	Date.	Offence.	Costs.	Amount thereof paid.	Fine.	Amount thereof paid.	Amount of Fine received for County Rate.	Amount of Fine otherwise applied.	Punishment when Fine not paid.	Names of convicting Magistrates.	Reasons of Nonpayment, or other Observations.

(Signed)

CAP. XLIV.

An Act to protect Justices of the Peace from vexatious Actions for Acts done by them in execution of their Office.
[14th August 1848.]

‘WHEREAS it is expedient to protect Justices of the Peace in the Execution of their Duty:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Action hereafter to be brought against any Justice of the Peace for any Act done by him in the Execution of his Duty as such Justice, with respect to any Matter within his Jurisdiction as such Justice, shall be an Action on the Case as for a Tort; and in the Declaration it shall be expressly alleged that such Act was done maliciously, and without reasonable and probable Cause; and if at the Trial of any such Action, upon the General Issue being pleaded, the Plaintiff shall fail to prove such Allegation, he shall be nonsuit, or a Verdict shall be given for the Defendant.

For an Act by a Justice of Peace within his Jurisdiction the Action shall be on the Case, and it shall be alleged to have been done maliciously, and without probable Cause.

II. And be it enacted, That for any Act done by a Justice of the Peace in a Matter of which by Law he has not Jurisdiction, or in which he shall have exceeded his Jurisdiction, any Person injured thereby, or by any Act done under any Conviction or Order made or Warrant issued by such Justice in any such Matter, may maintain an Action against such Justice in the same Form and in the same Case as he might have done before the passing of this Act, without making any Allegation in his Declaration that the Act complained of was done maliciously, and without reasonable and probable Cause: Provided nevertheless, that no such Action shall be brought for anything done under such Conviction or Order until after such Conviction shall have been quashed, either upon Appeal or upon Application to Her Majesty’s Court of Queen’s Bench; nor shall any such Action be brought for anything done under any such Warrant which shall have been issued by such Justice to procure the Appearance of such Party, and which shall have been followed by a Conviction or Order in the same Matter, until after such Conviction or Order shall have been so quashed as aforesaid; or if such last-mentioned Warrant shall not have been followed by any such Conviction or Order, or if it be a Warrant upon an Information for an alleged indictable Offence, nevertheless if a Summons were issued previously to such Warrant, and such Summons were served upon such Person, either personally or by leaving the same for him with some Person at his last or most usual Place of Abode, and he did not appear according to the Exigency of such Summons, in such Case no such Action shall be maintained against such Justice for anything done under such Warrant.

For an Act done by him without or exceeding his Jurisdiction, Action may lie without such Allegation;

but not for an Act done under a Conviction or Order, until they have been quashed;

nor for an Act done under a Warrant to compel Appearance, if a Summons were previously served, and not obeyed.

III. And be it enacted, That where a Conviction or Order shall be made by One or more Justice or Justices of the Peace, and

If one Justice make a Conviction, &c. and

**grant another
Warrant,
Action must be
brought against
the former.**

**No Action for
issuing a Dis-
tress Warrant
irregularly.**

**No Action
against Justices
in the Exercise
of discretionary
Power.**

If a Justice refuse to do an Act, the Court of Queen's Bench may by Rule order him to do it, and no Action shall be brought against him for doing it.

After Conviction or Order confirmed on Appeal, no Action for any thing done' under a Warrant upon it.

and a Warrant of Distress or of Commitment shall be granted thereon by some other Justice of the Peace *bonâ fide* and without Collusion, no Action shall be brought against the Justice who granted such Warrant by reason of any Defect in such Warrant, or of such Action or Order, or for any Want of Jurisdiction in the Justice or Justices who made the same, but the Action (if any) shall be brought against the Justice or Justices who made such Warrant or Order.

IV. And be it enacted, That where any Poor Rate shall be made, allowed, and published, and a Warrant issued against any Person named and returned in the said Rate, and shall be brought against the Justice or Justices who granted such Warrant by reason of any Error in the said Rate, or by reason of such Person not to be rated therein; and that in all Cases the said Power shall be given to a Justice of the Peace by the Acts of Parliament, no Action shall be brought against any Justice for or by reason of the Matter so done, if he have exercised his Discretion in the Exercise of the said Power.

V. 'And whereas it would conduce to the Honour and Justice, and render more effective an Execution of the Duties of Justices, and promote the Performance of the same, if so attended with much Expense, were the Legality of any Act to be done by a Justice or Justices, considered and adjudged by a Court of Record, and such Justice enabled and directed to sue out a Writ of Habeas Corpus, without Risk of any Action or other Proceeding against him: Be it therefore enacted, That where a Justice or Justices of the Peace shall make an Act relating to the Duties of his or their Office, or Justices, it shall be lawful for the Party or Parties to be done to apply to Her Majesty's Court of Chancery, upon an Affidavit of the Facts, for a Writ of Habeas Corpus, to bring the said Justice or Justices, and also the Party or Parties, to show Cause why such Act should stand, after due Service of such Rule good Cause shown against it, the said Court may make the Writ absolute, without or upon Payment of Costs, as to Costs, and the said Justice or Justices upon the Writ absolute shall obey the same, and be bound thereunto; and no Action or Proceeding shall be commenced or prosecuted against such Justice or Justices having obeyed such Rule, and done such Act as aforesaid.

VI. And be it enacted, That in all of Distress or Warrant of Commitment Justice of the Peace upon any Conviction before or after the granting of such W or shall be confirmed upon Appeal, no against such Justice who so granted such

which may have been done under the same by reason of any Defect in such Conviction or Order.

VII. And be it enacted, That in all Cases where by this Act it is enacted that no Action shall be brought under particular Circumstances, if any such Action shall be brought it shall be lawful for a Judge of the Court in which the same shall be brought, upon Application of the Defendant, and upon an Affidavit of Facts, to set aside the Proceedings in such Action, with or without Costs, as to him shall seem meet.

If an Action be brought where by this Act it is prohibited, a Judge may set aside the Proceedings.

VIII. And be it enacted, That no Action shall be brought against any Justice of the Peace for anything done by him in the Execution of his Office, unless the same be commenced within Six Calendar Months next after the Act complained of shall have been committed.

Limitation of Action.

IX. And be it enacted, That no such Action shall be commenced against any such Justice of the Peace until One Calendar Month at least after a Notice in Writing of such intended Action shall have been delivered to him, or left for him at his usual Place of Abode, by the Party intending to commence such Action, or by his Attorney or Agent, in which said Notice the Cause of Action, and the Court in which the same is intended to be brought, shall be clearly and explicitly stated; and upon the Back thereof shall be endorsed the Name and Place of Abode of the Party so intending to sue, and also the Name and Place of Abode or of Business of the said Attorney or Agent, if such Notice have been served by such Attorney or Agent.

Notice of Action.

X. And be it enacted, That in every such Action the Venue shall be laid in the County where the Act complained of was committed, or in Actions in the County Court the Action must be brought in the Court within the District of which the Act complained of was committed; and the Defendant shall be allowed to plead the General Issue therein, and to give any special Matter of Defence, Excuse, or Justification in Evidence under such Plea, at the Trial of such Action: Provided always, that no Action shall be brought in any such County Court against a Justice of the Peace for anything done by him in the Execution of his Office if such Justice shall object thereto; and if within Six Days after being served with a Summons in any such Action such Justice, or his Attorney or Agent, shall give a written Notice to the Plaintiff in such Action that he objects to being sued in such County Court for such Cause of Action, all Proceedings afterwards had in such County Court in any such Action shall be null and void.

Venue.

Defendant may plead the General Issue, any special Matter, &c., in Evidence.

XI. And be it enacted, That in every such Case after Notice of Action shall be so given as aforesaid, and before such Action shall be commenced, such Justice to whom such Notice shall be given may tender to the Party complaining, or to his Attorney or Agent, such Sum of Money as he may think fit as Amends for the Injury complained of in such Notice; and after such Action shall have been commenced, and at any Time before Issue joined therein, such Defendant, if he have not made

Tender, and Payment of Money into Court.

such Tender, or in addition to such Tender, shall be at liberty to pay into Court such Sum of Money as he may think fit, and which said Tender and Payment of Money into Court, or either of them, may afterwards be given in Evidence by the Defendant at the Trial under the General Issue aforesaid; and if the Jury at the Trial shall be of opinion that the Plaintiff is not entitled to Damages beyond the Sum so tendered or paid into Court, or beyond the Sums so tendered and paid into Court, then they shall give a Verdict for the Defendant, and the Plaintiff shall not be at liberty to elect to be nonsuit, and the Sum of Money, if any, so paid into Court, or so much thereof as shall be sufficient to pay or satisfy the Defendant's Costs in that Behalf, shall thereupon be paid out of Court to him, and the Residue, if any, shall be paid to the Plaintiff; or if, where Money is so paid into Court in any such Action, the Plaintiff shall elect to accept the same in satisfaction of his Damages in the said Action, he may obtain from any Judge of the Court in which such Action shall be brought an Order that such Money shall be paid out of Court to him, and that the Defendant shall pay him his Costs to be taxed, and thereupon the said Action shall be determined, and such Order shall be a Bar to any other Action for the same Cause.

In what Cases
nonsuit, or
Verdict for
Defendant.

XII. And be it enacted, That if at the Trial of any such Action the Plaintiff shall not prove that such Action was brought within the Time herein-before limited in that Behalf, or that such Notice as aforesaid was given One Calendar Month before such Action was commenced, or if he shall not prove the Cause of Action stated in such Notice, or if he shall not prove that such Cause of Action arose in the County or Place laid as Venue in the Margin of the Declaration, or (when such Plaintiff shall sue in the County Court) within the District for which such Court is holden, then and in every such Case such Plaintiff shall be nonsuit, or the Jury shall give a Verdict for the Defendant.

Damages.

XIII. And be it enacted, That in all Cases where the Plaintiff in any such Action shall be entitled to recover, and he shall prove the levying or Payment of any Penalty or Sum of Money under any Conviction or Order as Parcel of the Damages he seeks to recover, or if he prove that he was imprisoned under such Conviction or Order, and shall seek to recover Damages for any such Imprisonment, he shall not be entitled to recover the Amount of such Penalty or Sum so levied or paid, or any Sum beyond the Sum of Two-pence as Damages for such Imprisonment, or any Costs of Suit whatsoever, if it shall be proved that he was actually guilty of the Offence of which he was so convicted, or that he was liable by Law to pay the Sum he was so ordered to pay, and (with respect to such Imprisonment) that he had undergone no greater Punishment than that assigned by Law for the Offence of which he was so convicted, or for Nonpayment of the Sum he was so ordered to pay.

Costs.

XIV. And be it enacted, That if the Plaintiff in any such Action shall recover a Verdict, or the Defendant shall allow Judgment

Judgment to pass against him by Default, such Plaintiff shall be entitled to Costs in such Manner as if this Act had not been passed; or if in such Case it be stated in the Declaration, or in the Summons and Particulars in the County Court if he sue in that Court, that the Act complained of was done maliciously and without reasonable and probable Cause, the Plaintiff, if he recover a Verdict for any Damages, or if the Defendant allow Judgment to pass against him by Default, shall be entitled to his full Costs of Suit, to be taxed as between Attorney and Client; and in every Action against a Justice of the Peace for anything done by him in the Execution of his Office the Defendant, if he obtain Judgment upon Verdict or otherwise, shall in all Cases be entitled to his full Costs in that Behalf, to be taxed as between Attorney and Client.

XV. And be it enacted, That this Act shall extend only to *England and Wales* and the Town of *Berwick-upon-Tweed*. Extent of Act.

XVI. And be it enacted, That this Act shall commence and take effect on the Second Day of *October* in the Year of our Lord One thousand eight hundred and forty-eight. Commencement of Act.

XVII. And be it enacted, That from and after the Time this Act shall so commence and take effect as aforesaid the following Statutes and Parts of Statutes, except so far as they may repeal other Statutes, shall be and shall be deemed and taken to be repealed; that is to say, so much of an Act of Parliament made and passed in the Seventh Year of the Reign of His Majesty King *James* the First, intituled *An Act for Ease* After Commencement of this Act the following Statutes or Parts of Statutes repealed.

in pleading against troublesome and contentious Suits prosecuted against Justices of the Peace, Mayors, Constables, and certain other His Majesty's Officers, for the lawful Execution of their Office, as relates to Actions against Justices of the Peace; and so much of an Act made and passed in the Twenty-first Year of the Reign of His said Majesty King James the First, intituled An Act to enlarge and make perpetual the Act made for Ease in pleading against troublesome and contentious Suits prosecuted against Justices of the Peace, Mayors, Constables, and certain other His Majesty's Officers, for the lawful Execution of their Office, made in the Seventh Year of His Majesty's most happy Reign, as relates to Actions against Justices of the Peace; and so much of an Act made and passed in the Twenty-fourth Year of the Reign of His Majesty King George the Second, intituled An Act for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants, as relates to Actions against Justices of the Peace; and a certain other Act made and passed in the Forty-third Year of the Reign of His late Majesty King George the Third, intituled An Act to render Justices of the Peace more safe in the Execution of their Duty; and all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act; save and except so much of the said several Acts as repeal any other Acts or Parts of Acts, and also except as to Proceedings now pending, to which the same or any of them may be applicable. 7 Jac. 1. c. 5.
21 Jac. 1. c. 12.
s. 5.

others acting in obedience to their Warrants, as relates to Actions against Justices of the Peace; and a certain other Act made and passed in the Forty-third Year of the Reign of His late Majesty King George the Third, intituled An Act to render Justices of the Peace more safe in the Execution of their Duty; and all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act; save and except so much of the said several Acts as repeal any other Acts or Parts of Acts, and also except as to Proceedings now pending, to which the same or any of them may be applicable. 24 G. 2. c. 44.
ss. 1, 2, and
Part of s. 8.

others acting in obedience to their Warrants, as relates to Actions against Justices of the Peace; and a certain other Act made and passed in the Forty-third Year of the Reign of His late Majesty King George the Third, intituled An Act to render Justices of the Peace more safe in the Execution of their Duty; and all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act; save and except so much of the said several Acts as repeal any other Acts or Parts of Acts, and also except as to Proceedings now pending, to which the same or any of them may be applicable. 43 G. 3. c. 141.

and all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act; save and except so much of the said several Acts as repeal any other Acts or Parts of Acts, and also except as to Proceedings now pending, to which the same or any of them may be applicable.

XVIII. And

Act to apply
to Persons
protected by
the repealed
Statutes.

Act may be
amended, &c.

XVIII. And be it enacted, That this Act shall apply for the Protection of all Persons for anything done in the Execution of their Office in all Cases in which, by the Provisions of any Act or Acts of Parliament, the several Statutes or Parliamt. Statutes herein-before mentioned and by this Act as amended would have been applicable if this Act had not been passed.

XIX. And be it enacted, That the Statute in this Act repealed by any Act to be passed in or after the Session of Parliament.

'CAP. XL'

An Act to amend the Acts for winding up the Affairs of Joint Stock Companies, to meet their pecuniary Engagements, to facilitate the Dissolution and Liquidation of Joint Stock Companies and other Purposes.

7&8 Vict. c. 111. ' WHEREAS an Act was passed
' ment held in the Seventh
' Reign of Her Majesty, intituled
' *winding up of the Affairs of Joint*
' *meet their pecuniary Engagements:*
' was passed in the Session of Parli
8&9 Vict. c. 98. ' and Ninth Years of the Reign of
' *Act for facilitating the winding up*
' *Companies in Ireland unable to mee*
' *ments:* And whereas an Act was
' Parliament held in the Ninth and
9&10 Vict. ' of Her Majesty, intituled *An Act*
c. 28. ' *of certain Railway Companies, wh*
' therein mentioned, amongst other
' lawful for such Meeting as therein
' holders of any Company in the said A
' that any such Company should b
' thereby further enacted, that, in ac
' Dissolution, it should be imperative
' whether such Dissolution should or
' Bankruptcy, for the Purpose of t
' Company wound up, under the Pro
' after mentioned, but that such Prov
' the Case of Railways to be made
' thereby further enacted, that it s
' Three of those who were on the Com
' of any Company so dissolved, at ar
' tion thereof should have been resolv
' Creditors of such Company to such
' Law requisite to support a Fiat i
' and Ireland or a Sequestration in
' Months after the Dissolution thereof
' to petition that a Fiat in Bankruptc

' Company if in *England* or *Ireland*, or that the Estates of the
 ' Company might be sequestrated if in *Scotland*; and it was
 ' thereby further enacted, that upon the Production of a Copy
 ' of the *London Gazette* containing the Resolution of any such
 ' Meeting as theretofore mentioned, whereby it should be
 ' resolved that the Dissolution of the Company should be an
 ' Act of Bankruptcy, or upon the Petition of any Three of the
 ' Committee as aforesaid, or of any Creditor under the last
 ' therein preceding (and herein-before recited) Clause, a Fiat in
 ' Bankruptcy should issue against such Company by the
 ' registered Name or Style of such Company, and the Company
 ' should thereupon be deemed to be within the Provisions of
 ' the said Act for facilitating the winding up of Joint Stock
 ' Companies unable to meet their pecuniary Engagements, and
 ' of the said Act for facilitating the winding up of Joint Stock
 ' Companies in *Ireland* unable to meet their pecuniary Engage-
 ' ments, in all respects as if a Fiat had issued against it under
 ' the said Act before its Dissolution, but such last Provision
 ' was not to extend to *Scotland*: And whereas it is expedient
 ' that the said Two first-mentioned Acts should be amended,
 ' and that further Facilities should be given for the Dissolution
 ' and Winding-up of Joint Stock Companies and other Part-
 ' nerships: Be it therefore enacted by the Queen's most
 Excellent Majesty, by and with the Advice and Consent of the
 Lords Spiritual and Temporal, and Commons, in this present
 Parliament assembled, and by the Authority of the same, That
 this Act shall apply to all Companies, corporate or unincor-
 porate, within the Provisions of either of the Two Acts first
 herein-before mentioned, (including all Companies existing on
 the First Day of *November* One thousand eight hundred and
 forty-four, and which shall have obtained or shall obtain a
 Certificate of Registration under an Act passed in the Seventh
 and Eighth Years of the Reign of Her present Majesty, intituled
An Act for the Registration, Incorporation, and Regulation of
Joint Stock Companies;) and to all Companies which would have
 been within the Provisions of either of the said Two Acts if
 they had not been dissolved or had not ceased to trade at the
 Time of the passing thereof respectively, and to all Banking
 Companies which would have been within the Provisions thereof
 if they had not been specially excepted from the Provisions of
 an Act passed in the Session of Parliament held in the Seventh
 and Eighth Years of the Reign of Her present Majesty, inti-
 tuled *An Act for the Registration, Incorporation, and Regulation*
of Joint Stock Companies, and to all Companies which under the
 Provisions of the said Act to facilitate the Dissolution of certain
 Railway Companies shall before the First Day of *March* One
 thousand eight hundred and forty-eight have become bankrupt,
 and to all Companies, Associations, and Partnerships to be
 formed after the passing of this Act whereof the Capital or the
 Profits is or are divided or to be divided into Shares and such
 Shares transferable without the express Consent of all the
 Copartners.

I.
Preliminaries.

To what Com-
 panies Act is
 to apply.

7 & 8 Vict.
 c. 110.

7 & 8 Vict.
 c. 110.

Preliminaries.

Act to apply
to Mining Com-
panies and cer-
tain Building
Societies.

Interpretation :

" Lord Chan-
cellor :"

" Company :"

" Member :"

" Constitution
of a Company :"

" Contribu-
tory :"

" Call :"

" Creditor :"

" Person :"

" The Court :"

" Master :"

II. And be it enacted, That all Associations or Companies formed for the Purposes of working Mines or Minerals, and Benefit Building Societies other than such as are duly certified and enrolled under the Statutes in force respecting such Societies, shall be liable to the Operation of this Act: Provided nevertheless, that nothing herein contained shall affect the Jurisdiction of the Court of Stannaries in *Cornwall*.

III. And be it enacted, That the following Words and Expressions in this Act shall have the Meanings hereby assigned to them respectively, so far as such Meanings are not excluded by the Context or by the Nature of the Subject Matter; (which is to say,)

The Words "Lord Chancellor" shall include the Lord Chancellor, the Keeper and the Lords Commissioners of the Great Seal.

The Word "Company" shall mean any Partnership, Association, or Company, corporate or unincorporate, to which this Act applies:

The Word "Member" shall mean any Person entitled to a Share of the Assets or accruing Profits of any such Company at the Time of presenting the Petition for dissolution of the same or winding up the Affairs thereof under this Act.

The Expression "Constitution of a Company" shall include every Deed of Partnership or Settlement, Charter, Act of Parliament, Regulations, or other Instrument whatsoever, including any Bye Laws, by or under which the Business of the same is or was, or is or was intended to be carried on:

The Word "Contributory" shall include every Member of a Company, and also every other Person liable to contribute to the Payment of any of the Debts, Liabilities, or Losses thereof, whether as Heir, Devisee, Executor, or Administrator of a deceased Member, or as a former Member of the same, or as Heir, Devisee, Executor, or Administrator of a former Member of the same, deceased, or otherwise howsoever:

The Word "Call" shall mean a Demand or Requisition for the Contributories of a Company made or to be made for a contributory Payment towards the Funds or Assets thereof, or for or towards the Payment or Discharge of any of the Debts, Liabilities, or Losses of such Company or otherwise:

The Word "Creditor" shall include every Person having a Debt or Demand enforceable against any Company in any Court of Law or Equity, or for Nonpayment or Default in satisfaction of which Damages could be recovered:

The Word "Person" shall include Corporations:

The Words "the Court" shall mean Her Majesty's Court of Chancery in *England* or *Ireland* (as the same may be) before which any Proceeding under this Act is to take place:

The Word "Master" shall mean the Master in Ordinary of the Court for the Time being acting in any Matter under this Act:

The Word "Fiat" shall extend to and shall include any Commission of Bankruptcy which shall be issued in *Ireland*, and the Words "Court of Bankruptcy" shall extend to and shall include any Commissioner acting in the Prosecution of any such Commission of Bankrupt in *Ireland*, and the Lord Chancellor of *Ireland* sitting in Bankruptcy:

"Fia
"Cou
Bankr

The Words "Order absolute" shall mean the Order absolute for the Dissolution and Winding-up, or for the Winding-up, as the Case may be, of any Company under this Act:

"Ord
absolu

And every Word importing the Singular Number only shall extend to several Persons or Things as well as to one Person or Thing, and every Word importing the Plural Number only shall extend to one Person or Thing as well as to several Persons or Things, and every Word importing the Masculine Gender only shall extend to a Female as well as to a Male.

Numl
Gendr

V. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and in legal Proceedings, it shall be sufficient to use the Expression "The Joint Stock Companies Winding-up Act, 1848."

Short
Act.

And be it enacted, That it shall be lawful for any Person to present a Petition to the Lord Chancellor or to the Master of the Rolls in a summary Way for the Dissolution and Winding-up or for the Winding-up of the Affairs of such Company, in any of the following Cases; (that is to say,)

The
and P
th

If any Company shall have committed, done, or suffered any Act which according to the Provisions of the said recited Acts or of any of them would be deemed to be an Act of Bankruptcy on the Part of such Company:

Act o
rupte

If any Company shall, by virtue of a Resolution to be passed in that Behalf at a Meeting of such Company, or of the Directors of such Company, summoned in that Behalf, have filed or caused to be filed in the Office of the Lord Chancellor's Secretary of Bankrupts a Declaration in Writing that the said Company is unable to meet its Engagements:

Decla
Insolv

If any Person shall have recovered Judgment in any Action Personal for the Recovery of any Debt or Demand in any of Her Majesty's Courts of Record against any such Company, or against any Person authorized to be sued as the nominal Defendant on behalf of such Company, or against any One or more of the Members or Contributories of such Company acting or sued in the Name or on the Behalf of the other Members or Contributories thereof, and shall be in a Situation to sue out Execution upon such Judgment, and such Execution shall not be restrained or suspended by any Rule, Order, or Proceeding of any Court of Justice, and there shall be nothing due from the Plaintiff by way of Set-off, or which may be legally set off against such Judgment, and if within Ten Days after Notice in Writing served upon the said Company

Judgm
against
Comp

*The Petition,
and Proceedings
thereon.*

Decree or
Order against
the Company :

Action against
a Member for
Company's
Debt :

Creditor's
Affidavit of
Debt and Writ
of Summons :

Company by Service of the same upon a Chief Officer or Secretary or Registrar of the said Company, or if there be no Officer of such Denomination, then either upon any Director of the said Company personally or by the same having been left at the Head or only Office for the Time being of such Company, requiring immediate Payment or Discharge of such Judgment Debt, such Company shall not have paid, secured, or compounded for the same :

4. If any Decree or Order shall have been pronounced in any Cause depending in any Court of Equity, or any Order made in any Matter of Bankruptcy or Lunacy against any such Company, or against any Person authorized to be sued as the nominal Defendant on behalf of such Company, or against any One or more of the Members or Contributories of such Company acting or sued in the Name or on the Behalf of the other Members or Contributories thereof, ordering any Sum of Money to be paid by such Company, and such Company shall not have paid the same at the Time when the same ought, according to the Exigency of such Decree or Order, to be paid :
5. If any Action shall have been brought in any of Her Majesty's Courts of Record against any Contributory of a Company for any Debt or Demand which shall be due or claimed to be due from or by such Company, and such Company shall not, within Ten Days after Notice in Writing by such Contributory of such Action shall have been served upon the Company in manner herein-before directed with respect to any Judgment Debt, have paid, secured, or compounded for such Demand, or have otherwise procured such Action to be stayed, or shall not have indemnified the Defendant for his Satisfaction against such Action, and all Damages, and Expenses to be incurred by reason of the same :
6. If any Creditor of a Company to such Amount as shall be by Law requisite to support a Fiat shall have sworn an Affidavit in any of Her Majesty's Superior Courts of Law at *Westminster* or *Dublin*, that such Debt is due to him from the said Company, and shall have obtained out of the same Court a Writ of Summons or other Process against such Company, or against any Person authorized to be sued as the nominal Defendant on behalf of such Company, or against any One or more of the Members or Contributories of such Company in his own Name or on behalf of the other Members or Contributories thereof, and shall have given Notice of the same in manner herein-before directed with respect to any Judgment Debt, and such Company shall not have paid, secured, or compounded for such Debt to the

tion of such Creditor, or have made it appear to the Satisfaction of One of the Judges of the Court out of which such Writ shall have issued that it is the Intention of such Company to defend the Action upon the Merits, and shall not within Three Weeks next after Service of such Notice have caused an Appearance to be entered to such Action in the proper Court in which the same shall have been brought :

*The Petition,
and Proceedings
thereon.*

7. If any Company shall have been dissolved, or shall have ceased to carry on Business, or shall be carrying on Business only for the Purpose of winding up its Affairs, and the same shall not be completely wound up :

Dissolution or
ceasing to carry
on Business :

8. Or if any other Matter or Thing shall be shown which in the Opinion of the Court shall render it just and equitable that the Company should be dissolved.

Other sufficient
Ground for
Dissolution.

VI. And be it enacted, That in case any Fiat shall have been issued against any Company under the Provisions of the said recited Acts or any of them, no Petition shall be presented for the Dissolution and Winding-up or for the Winding-up of such Company under this Act by any other Person than by the Creditors Assignees of the Estate and Effects of any such Company, who shall have Power, by the Order and Direction of the Court of Bankruptcy (but not otherwise), to present a Petition to the Lord Chancellor or to the Master of the Rolls in *England or Ireland*, as the Case may be, for the winding up of such Company under this Act, and it shall be a sufficient Ground for such Petition that such Order has been made by the Court of Bankruptcy ; and that upon an Order for the winding up of such Company being pronounced by the Court of Chancery the Court of Bankruptcy shall cause to be made upon the Proceedings under the Fiat a Memorandum of such Order as aforesaid of the Court of Bankruptcy, and shall order that the said Proceedings shall be and the same shall accordingly be deposited with the Master to whom the Matter shall be referred by the Court of Chancery under this Act : Provided nevertheless, that it shall be lawful for the Master to dispense with such Deposit, and to make Order concerning the Custody and Production of such Proceedings.

No Petition
after Fiat but
under Direction
of Court of
Bankruptcy.

VII. And be it enacted, That all Proceedings had, Accounts taken, and other Matters done in the Prosecution of any Fiat, before any Order absolute under this Act, shall, for the Purposes of any winding up under this Act, be as valid and conclusive as the same would have been valid and conclusive under the said Fiat, and any pending Proceedings, Accounts, and Matters under any such Fiat may be proceeded with and concluded under this Act.

Proceedings in
Bankruptcy to
be conclusive.

VIII. And be it enacted, That every Petition and Proceeding under this Act shall be intituled " In the Matter of the Joint Stock Companies Winding-up Act, 1848," and in the Matter of the Company to which such Petition or Proceeding shall relate, describing such Company by its most usual Style or Firm, until any Order absolute under this Act, and after any

Heading of
Petition and
subsequent
Proceedings.

Proceedings
not to be im-
peached by
reason of the
Petitioner not
having been
duly qualified.

Petition to be
advertised in
London
Gazette, and
served.

Court may
order Petition
to stand over
for further
Service.

Court may
make Order
Nisi or Re-
ference to
Master.

any such Order then by the Style or Firm by which such Company shall have been designated in such Order absolute.

IX. And be it enacted, That no Order absolute, nor Order or Proceeding under this Act, shall be impeached reason of the Petitioner or any of the Petitioners being afterwards discovered not to have been duly qualified to present Petition on which the Order absolute shall have been made; provided that a Petition may be presented by some Person duly qualified, praying to have the former Proceedings, and to be allowed to proceed in the same; and upon such Petition being presented on to be heard, such Order shall be made as shall seem necessary and proper, empowering the former Proceedings shall be carried on by the Petitioner.

X. And be it enacted, That every Petition for Dissolution and Winding-up or for Winding-up the Company under this Act shall be advertised in the *Gazette*, and shall be served, at the Head Office of the Company, upon any Member, Officer, or Servant of the Company there, or in case no such Member, Officer, or Servant can be found there, then by being left at the Head Office of the Company; and in case no Office of the Company can be found, then by being left at the residence of any Member, Officer, or Servant of the Company; and that no such Petition presented by the Court for Dissolution or Winding-up of Bankruptcy, nor any Order thereon, shall be set aside or annulled under this Act; provided also, that if the Company, nor any Member, Officer, or Servant of the Company can be found, the Court may proceed to make an Order on any Petition for Dissolution or Winding-up, on Production of the *Gazette* containing such Advertisement, and without Proof that such Petition has been served as aforesaid.

XI. And be it enacted, That it shall be lawful for the Court at the hearing to direct any such Petition to stand over for further Service, if it shall seem meet; and that if it shall be proved that such Petition shall have been served as aforesaid or no further Service shall be required, the Court shall direct such Service or such further Service to be made as shall seem meet.

XII. And be it enacted, That on the hearing of any Petition it shall be lawful for the Court to make an Order fit in the first instance to make an Order for Dissolution or Winding-up of the Company, conditional on the Nonfulfilment of such Petition by such Parties as the Court shall think fit, and to refer the Petition to the Master to make preliminary Inquiries into the Expediency of the Dissolution and Winding-up of such Company; and if the Court, in case no sufficient Cause be

of any such conditional Order be not fulfilled, or in shall appear from the Master's Report, upon such Re- as aforesaid, that the Dissolution and Winding-up orinding up of any such Company under this Act is neces- expedient, to make such Order absolute as hereafter ned.

L. And be it enacted, That it shall be lawful for the if it shall think it practicable and expedient, before or in any Order absolute, to direct the Application or Per- ce, either wholly or in part, and by such Parties as it ink proper, of any Provisions contained in or supplied Constitution of the Company towards the Purposes of Dissolution or Winding-up, or towards considering or as- ing the Necessity or Expediency of such Dissolution or ng-up.

V. And be it enacted, That it shall be lawful for the on the hearing of any Petition for Dissolution and ng-up, or for Winding-up, either originally or subse- y, or on further Directions, to dismiss such Petition with out Costs, or to make an Order absolute for the Dis- n and Winding-up or for the Winding-up of the Com- under the Provisions of this Act, with or without such Directions as the Court shall think fit, and by such it shall be referred to One of the Masters of the Court l up the Affairs of the Company accordingly under the ons of this Act.

. And be it enacted, That the Date, Title, and ordering f every Order of the Court made upon any such Peti- reviously to and including the Order absolute, shall, Twelve Days after the Date thereof, be advertised once *London Gazette*, and shall be served in such Manner and uch Persons as the Court shall direct.

L. And be it enacted, That from the Date of any Order e for Dissolution, or from any Date to be therein fixed t Purpose, the Company therein specified shall be abso- dissolved.

II. And be it enacted, That the Petitioner on whose n an Order absolute shall be obtained shall without Delay n the same before the Master; and in default of his so y the Space of Ten Days next after the Date of such it shall be lawful for any Person being or claiming to be ributory to present his Petition to the Court in the same , praying to have the Carriage and Prosecution of the rder absolute, and thereupon such Order shall be made rections given, as well with respect to the Costs of the ation or otherwise, as to the Court shall appear just; and e sufficient to serve such last-mentioned Petition in the Manner, either upon the Petitioner who obtained the absolute, or upon his Solicitor by whom such Order was d.

III. And be it enacted, That it shall be lawful for the in any Decree or Order for the Dissolution of a Com- No. 27. Price 2d.] D d pany,

*The Petition
and Proceedings
thereon.*

Court may
apply the Pro-
visions of the
Constitution of
the Company.

3.
*The Order
absolute, and
Proceedings
thereon.*

Court may
make Order
absolute.

Every Order,
until Order
absolute, to be
advertised.

From what
Period Com-
panies to be
dissolved.

Petitioner to
carry in Order
absolute before
Master within
Ten Days.

On Dissolutio
in Suit Court
may order

winding up
under this Act.

After Order
absolute Assets
not to be dis-
posed of.

Master may
appoint Interim
Manager.

pany, or of any other Association or Partnership (whether included in the Definition herein contained of a Company or not), to be made in any Suit now pending or hereafter instituted, and also by any Order to be made after a Decree of the Dissolution of a Company, Association, or Partnership, in any such Suit, to order that the Affairs of the Company, Association, or Partnership shall be wound up in pursuance of this Act, and that the Costs of winding up shall be paid and recovered according to the provisions of this Act, and for that Purpose to give such Directions as the Court shall deem necessary or expedient in the Decree or Order so to be made shall, if the Court so be deemed an Order absolute under this Act.

XIX. And be it enacted, That from and after the date of any Order absolute it shall not be lawful for any Members, or Officers of the Company in respect of which such Order absolute shall have been made to convey, sell, or otherwise dispose of any of the Property, Effects of the Company, otherwise than by the Court or Master.

XX. And be it enacted, That in the case of any Order absolute for the winding up of a Company, an Official Manager shall be appointed, as hereinafter provided, and from Time to Time when there shall be cause so to do, it shall be lawful for the Master, in any Cause in which such Order absolute being brought in before the Court, to make by Writing under his Hand some Person to be the Provisional Manager of the Property, Assets, and Effects of the Company to which such Order absolute shall have been made, such Part or Parts thereof as the Master shall think fit, and the Person so to be so appointed shall thereupon have and exercise all such and the like Powers and Authorities as might be had and exercised by the Court in a Suit duly instituted, together with all such Powers and Authorities as might be had and exercised by an Official Manager to be appointed under this Act, and as the Master shall otherwise direct in any Cause in which the Person so to be appointed Interim or Provisional Manager shall act in all things under the Direction of the Court, collecting and receiving and afterwards disposing of the Property, Estate, and Effects of such Company, or as in order to the Preservation and Security thereof shall be so collected and received; and it shall be lawful for the Interim or Provisional Manager acting in the Direction of the Master, to be signified by Writing under the Hand, to pay and apply any Part of the Assets and Effects to be collected, received, or got in by the Court, for the Discharge or Satisfaction of any Judgment or Decree which may have been recovered against such Company, and also for the Master to be lawful for the Master to fix the Amount of Security to be given and entered into by the Provisional Manager, and also (if the Master

at any Person to be Interim or Provisional Manager giving or entering into any Security, and the Security, to be so fixed by the Master, shall accordingly be given entered into by such Interim or Provisional Manager: Pro- nevertheless, that upon the Appointment of an Official er of such Company under this Act all the Powers and ities of such Interim or Provisional Manager shall cease, e Person who shall have been such Interim or Provisional er shall thereupon deliver up and pay to the Official er all the Goods, Monies, Property, and Effects of such ny which shall have come to his Hands as such Interim visional Manager as aforesaid, together with all Books, , and Writings in his Possession, Custody, or Power g thereto, or to the Affairs of such Company; and it shall ul for the Master to make an Order, if Need be, directing elivery and Payment accordingly, and for vacating any izance entered into by such Interim or Provisional er and his Surety or Sureties (if any): Provided also, e Action, Suit, or other Proceeding shall be instituted or ted by or against any Interim or Provisional Manager to inted as herein mentioned, as representing the Company, ise than by the Style and Designation of the Official er of the Company; and that every such Action, Suit, r Proceeding shall be instituted and prosecuted in the manner and with the same Effect, to all Intents and Pur- s if an Official Manager of the Company had been already ed, and were a Party to such Action, Suit, or other ling, in the Place of such Interim or Provisional Ma- nor shall the same abate by reason of the Appointment of cial Manager, but the same shall be carried on by or him, as the Case may be.

L. And be it enacted, That upon any Order absolute arried in before the Master, or upon the Death, Removal, gnation of any Official Manager to be appointed as herein ed, the Master shall forthwith direct that an Advertise- e inserted, by the Party having the Prosecution or Car- f the Order, in Two successive Numbers of the *London* , and also in such Two or more Newspapers as the shall appoint, giving Notice that the Master will proceed, y, Hour, and Place to be stated in such Advertisement, ay to be within Fourteen Days from the Publication of t Advertisement, to appoint an Official Manager or ers of the Company under this Act, either originally or Room of any Official Manager who shall have died gned or shall have been removed; and previously to the out and settling of such List of Contributories as herein- mentioned all Persons being or claiming to be Contribu- f such Company, and after the making out and settling List of Contributories all Persons appearing on such Contributories of such Company, shall be entitled to at such Time and Place, and to offer Proposals or Ob- as to any such Appointment; and it shall be lawful for

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Officu
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Maste*

The Appointment of Official Manager, his Estate, Powers, Duties, &c.

Master to appoint Official Manager.

In appointing Official Manager, Master may either adopt or reject Proposals.

Recognizances of Official Manager and of his Sureties.

the Master, if he shall think fit, to adjourn the Appointment of any Official Manager to another Time and Place, to be and made known to the Parties present at the Time and originally fixed for making such Appointment: Provided also that it shall not be requisite to give Notice of any such Adjournment by Advertisement.

XXII. And be it enacted, That at the Time and Place fixed in such Advertisement, or at any other Time or Place which the Appointment of an Official Manager shall have been adjourned, the Master shall, by Writing under his Hand, appoint a Person or Persons to be the Official Manager or Managers of the Company, either originally or in the Stead of any Official Manager who shall be removed, or die, or resign his Office; and the Master shall have Power from Time to Time, at his own Discretion, but subject to any special Direction of the Court, to remove, by Writing under his Hand, any such Official Manager, and upon such Removal, and also upon the Death or Resignation of any Official Manager, to appoint in manner aforesaid any other Person to be Official Manager in the Stead of any Official Manager who shall be removed, or die, or resign his Office; and such Official Manager may be either any Contributory of the Company, or the Assignee in Bankruptcy of any Contributory being bankrupt, or of any bankrupt Member or Contributor to the same.

XXIII. And be it enacted, That in making the first or subsequent Appointment of an Official Manager it shall be lawful for the Master to adopt the Proposal of any of the Parties attending him in the Matter of such Appointment; and in making such Appointment the Proposal of any of the Parties who shall have appeared before the Court shall not be taken into Account to any Preference; and it shall also be lawful for the Master, if he shall think fit, to act independently of any Proposal, and to appoint any Person whom he shall think fit to nominate as Official Manager, although such Person shall not have been proposed by any of the Parties.

XXIV. And be it enacted, That upon the Appointment of any Official Manager, or within such subsequent Period of Time as the Master may from Time to Time or at any Time direct, the Person who shall have been so appointed Official Manager, and Two or more Persons as his Sureties, to be approved of by the Master, shall enter into a Recognizance or Recognizances in such Form as in the Schedule hereto is set forth, or otherwise as the Court by any general Order in that Behalf, or by any special Order in the Matter, shall direct, and in such Sum as the Master shall direct (but not to exceed by more than One thousand Pounds the greatest Sum or Value which in the Judgment of the Master the Official Manager shall have or shall be required to have at any One Time in his Hands), for the duly accounting by the Official Manager for all Monies, Estate, and Effects which shall come to his Hands in the winding up of the Company; and the Recognizance of the Official Manager shall be for the

Amount of the Sum to be so fixed by the Master, and the Recognizances of the Sureties of any Official Manager shall be either joint or several for the whole or any Portion of the Sum in which the Official Manager shall have become bound, but so as that the total Amount of the Recognizances of all such Sureties shall not be less than the Sum in which the Official Manager shall have become bound; and upon the Death, Bankruptcy, or Insolvency of any Surety it shall be lawful for the Master to require Recognizances to be entered into by any new Surety in the Place of the Surety so deceased or become bankrupt or insolvent; and it shall be lawful for the Master from Time to Time to require additional Recognizances to be entered into by the Official Manager and his Sureties, or by any new Sureties, in such further Sum or Sums as the Master shall think fit; and upon the Breach or Nonfulfilment of the Condition or Defeasance of any such Recognizances as aforesaid, the same shall or may, under an Order of the Master, be put in force by the Official Manager, or by any Contributory of the Company, in like Manner as the Recognizances of Receivers of the Court of Chancery appointed in a Suit duly instituted are in the like Cases put in force; and it shall be lawful for the Master, after any Person shall have ceased to be Official Manager, and his final Account shall have been passed, and any Balance due thereon paid, to order the Recognizance entered into by such Official Manager and his Sureties to be vacated.

The Appointment of Official Manager, his Estate, Powers, Duties, &c.

XXV. And be it enacted, That, notwithstanding anything herein-before contained, in case Default shall be made by the Official Manager at any Time in accounting for what he shall receive as such Official Manager, or in paying the same as the Master shall direct, it shall be lawful for the Master, by Order to be made by him, to order and require the Official Manager and his Sureties, or any of them, to pay to such Person, and within such Time as the Master shall appoint, the whole or any Portion of the Sum in which the Official Manager and his Sureties respectively shall have become bound by Recognizance: Provided always, that nothing herein contained shall be construed to extend the Liability of any Surety beyond the Sum in which such Surety became individually bound on his Recognizance.

Master may order Official Manager and his Sureties to pay on their Recognizances.

XXVI. Provided always, and be it enacted, That, notwithstanding anything herein-before contained, it shall be lawful for the Master, if he shall think fit, to accept the Security of any Guarantee Society established by Charter or Act of Parliament in any Part of *Great Britain*, in lieu of the Security of such Two or more Sureties as aforesaid, or of any of them.

Master may take Security of Guarantee Society.

XXVII. And be it enacted, That every Appointment and every Removal of an Official Manager shall be valid and effectual to all Intents without Confirmation by the Court, unless it shall be otherwise ordered by the Court in the particular Matter; and every such Appointment, and also every Removal of an Official Manager, shall be advertised in the *London Gazette*,

Appointments and Removals to be valid without Confirmation, and to be advertised.

and in such Newspapers as the Master shall from Time to Time think proper.

**Manager to
have Custody
of Books, &c.**

XXVIII. And be it enacted, That immediately after the Appointment of an Official Manager the Master shall, by direct that all the Books of Account, Bills, Notes, Papers, and Writings of pany shall, within a Time to be delivered up, and the same shall acco every Person in whose Custody, Pos may be, to the Official Manager, a and upon and immediately after the Official Manager all the same Matte ordered to be and shall accordingly Provided nevertheless, that it shall from Time to Time and at any Time shall think fit relative to the Custo tely or only for a Time, of such Instruments, Bills, Notes, Papers, them.

On Appointment, all Estate, Effects, and Credits of the Company, and all Powers, &c., to vest in Official Manager.

**Registration of
Orders absolute
and Appoint-
ments of Official
Manager.**

XXIX. And be it enacted, That of an Official Manager all the Estate Rights of Action of the Company, at the same which by this Act or others an Official Manager, shall, except so Writing under his Hand, direct to virtue of the Appointment absolute Manager so appointed, either solely, Official Manager for the Time being when, according to any Laws now or Assignment of any Real or Personal become vested in any Official Manager require to be registered, enrolled, or Office, Court, or Place in *England*, or Registry Office, Court, or Place in *Seminions*, Plantations, or Colonies be then the Order absolute, together with of an Official Manager, shall be registered Court, or Place wherein such Conveyances aforesaid would require to be registered and the Registry hereby directed shall all Intents and Purposes as the Registering of any such Conveyance or Assignment would have had; and the Title of a Property as last aforesaid for valuable Mortgagee thereof without Fraud, vested, enrolled, or recorded his previously to the Registry hereby directed by reason of such Order absolute provided always, that if the Master shall Hand, direct that any of the said Rights of Action shall not vest in the

Appointment, it shall be lawful for the Court or the Master at any Time afterwards by Order to revoke, discharge, vary any such Direction, and thereupon the Estate, Effects, Rights, or Rights of Action comprised in such Direction shall, wholly or to the Extent to which the same shall be so varied or varied, become and be vested in the Official Manager for the Time being.

XX. And be it enacted, That when any Order shall have been made as herein-before mentioned on Petition, by Direction of the Court of Bankruptcy, for winding up under this Act the Estate of any Company, all such Estate and Effects, Rights and Duties of the bankrupt Company as shall for the Time being be vested in the Assignees in Bankruptcy shall, upon and by the Order of the Appointment of an Official Manager under this Act, unless otherwise provided by the Order absolute, become absolutely vested in such Official Manager, together with all Powers in and about the same as an Official Manager may exercise in any Matter originally instituted under this Act in which the Company had not become bankrupt.

XXI. And be it enacted, That until the issuing of any general Rules or Orders as are by this Act authorized to regulate the Practice of the Court with respect to Receivers and Managers of Partnership Estates shall, so far as practicable, be subject to the Provisions of this Act, and to any special Orders or Directions relative to the Official Manager, and his Duties, and Proceedings, to be made or given by the Court or the Master with respect to any particular Company, in which Order or Directions the Court and the Master are respectively authorized to make and give,) apply to the Official Manager under this Act, and to his Duties and Proceedings.

XXII. And be it enacted, That it shall be lawful for the Court to allow such Salary or Remuneration, by way of Percentage or otherwise, as it shall think proper, to the Official Manager, and also to any Receiver to be appointed as herein-before provided, and to increase or diminish such Salary or Remuneration from Time to Time, and that whether the Official Manager or the Receiver shall or shall not be a Member of the Company.

XXIII. And be it enacted, That it shall be lawful for the Official Manager, with the Approbation of the Master, to employ from Time to Time dismiss an Attorney or Solicitor.

XXIV. And be it enacted, That the Official Manager shall be bound with all convenient Speed, under the Directions of the Court, in the making up, continuing, completing, and rectifying the Books of Account of the Company, and in providing and keeping such other Books of Account (if any) as shall be necessary for the showing the Debts and Credits of the Company, including a Ledger, which shall contain the separate Accounts of the Contributories (and in which every Contributory shall be entered from Time to Time with the Amount payable by him in respect of any Call to be made as hereby provided), and in

The Appointment of Official Manager, his Estate, Powers, Duties, &c.

When Order made on Petition by Direction of the Court of Bankruptcy, all Estate, &c. of Assignees to vest in Official Manager.

Until Court shall regulate by general Orders all Matters relating to Official Manager not provided for by the Act, Practice as to Receivers to be followed.

Court may allow Salary to Official Manager.

Official Manager may employ Solicitor.

Duties of Official Manager.

Proceedings
may be given
to other Parties.

proper to be taken by the Official Manager, shall not be prosecuted by the Petitioner under this Act, or other the Petitioner having the Prosecution thereof, with due Diligence, or for any other Reason it shall appear advisable, it shall be lawful for the Master, upon the Application in that Behalf of any Contributory, to commit to him the further Prosecution thereof, and if any Official Manager, as to Matters and Proceedings which ought to be prosecuted by the Official Manager, shall not prosecute the same with due Diligence, it shall be lawful for any Contributory to apply to the Master concerning the same, and thereupon the Master shall give such Directions as he shall deem necessary, and shall remove, if he shall think fit, such Official Manager.

Death of Petitioner, &c. not to abate Proceedings.

XLII. And be it enacted, That after any Order shall have been made on any Petition under this Act, the Death of the Petitioner or Party, or of any or all of the Petitioners or Parties, if more than One, for the Time being acting in any Proceedings under this Act, shall not abate the Proceeding; but in such Case it shall be lawful for the Court, and also for the Master, after an Order absolute shall have been brought before him, subject to any special Order of the Court, upon the Application of any Party interested (such Application supported by Evidence, and if made to the Court to be by way of Motion), to order and direct that the further Prosecution of the Proceedings, or of the particular Proceeding, and the Defence thereto, as the Case may be, shall be committed to the Party making such Application, or to such other Party interested as the Master shall think proper; and the Costs of all such Applications, and also the Costs of the deceased Petitioner or Party, shall, if the Court or the Master shall so order, be deemed to be Part of the general Costs of winding up the Company under this Act.

Proceedings to be by Proposal, and not by State of Facts and Proposal.

XLIII. And be it enacted, That all Proceedings before the Master under this Act shall be commenced and proceeded with not by State of Facts and Proposal, but by Proposal or counter Proposal in Writing, or in such Way as the Master shall order to be supported, if Need be, by Evidence: Provided nevertheless, that where, owing to the Nature of the Subject, the Master shall deem it expedient to direct the Parties before him to proceed by a State of Facts in Writing, it shall be lawful for him to give such Direction by Writing under his Hand.

Master may dispense with Warrants.

XLIV. And be it enacted, That it shall be lawful for the Master, in any Matter referred to him under this Act, to dispense with any Warrants to consider the Order of Reference made under this Act, and such other Warrants in the course of the Proceeding under such Order as he shall see fit, and also to issue from Time to Time any Warrants to be taken out and executed before him by the Official Manager or any other Person attending the Proceedings before him, and also to fix the Time at which any Warrant shall be returnable before him, and which any Proceeding necessary to be taken shall be taken, and also to proceed *de Die in Diem*.

XLV.

XLV. And be it enacted, That the Master shall have Power from Time to Time, with or without further Notice to any Party, to adjourn any Proceedings before him under this Act, although by this Act or otherwise directed to be taken at any specified Time or Place, either *de Die in Diem*, or to any other Time and Place to be then and there fixed by the Master in that Behalf, and so from Time to Time, and that all Matters done at any such adjourned Time and Place shall be of the same Force and Effect as if the same had been done at the Time and Place (if any) originally specified.

General Course
of Proceeding
under
winding-up.

Adjournment
of Proceedings.

XLVI. And be it enacted, That it shall be lawful for the Master, at his Discretion, to order the Advertisement in the *London Gazette* or otherwise, or the Service on any Person, in such Manner as he shall think fit, of any Order or Proceeding in and about the winding up of the Affairs of any Company under this Act.

Master may
order other Ad-
vertisements or
Services.

XLVII. And be it enacted, That the Master shall, on Request of any Party interested, give Certificates under his Hand of any Decisions, Entries, or other Matters which shall be made, done, or transacted in and about the winding up of any Company under this Act.

Master to give
Certificates of
Entries, &c.

XLVIII. And be it enacted, That, subject to the Control of the Master, all Contributories shall be entitled, without Fee or Reward, to inspect all or any of the Books of the Company, or of the Official Manager or Receiver, if any, and to take Copies or Abstracts of or Extracts from all or any of such Books or any Part thereof.

Contributories
may inspect
Books.

XLIX. And be it enacted, That as between the Contributories the Books, Accounts, and Documents of the Company, until the Order absolute, and of the Official Manager or any such Receiver as aforesaid after such Order, shall be *prima facie* Evidence of the Truth of all Matters therein contained, and purporting to be therein recorded.

Books of Part-
nership and
Official Manager
to be Evidence.

L. And be it enacted, That after the Appointment of any Official Manager under this Act all Actions, Suits, and other Proceedings, at Law or in Equity, which might have been commenced, instituted, or prosecuted by or on behalf of the Company with respect to which such Appointment shall be made against any Persons, whether Contributories of the Company or not, shall be commenced or instituted and prosecuted by the Official Manager by the Style and Designation of "the Official Manager" of such Company (describing it under the Style or Firm by which it is described in the Order absolute), as the nominal Plaintiff or Petitioner, for and on behalf of such Company, and that whether there be One or more Official Manager or Managers, and that all Debts which might have been proved by or on behalf of the Company against the Estate of any Bankrupt or Insolvent Debtor to the Company shall and may be proved against such Estate by the Official Manager of such Company by the Style and Designation aforesaid, and that all Actions, Suits, and Proceedings, at Law or in Equity, to be commenced or instituted by any Persons, whether Contributories

6.
Actions and
Suits by and
against the Com-
pany and its
Contributories.

Dissolved Com-
panies to sue
and be sued in
the Name of
"the Official
Manager" of
the particular
Company.

Actions and Suits by and against the Company and its Contributories.

Criminal Proceedings on behalf of the Company to be prosecuted by the Official Manager.

Pending Actions, &c. against the Company may be prosecuted against the Official Manager.

tributories of such Company or otherwise, against such Company, or any Person duly authorized to be sued as the nominal Defendant on behalf of the same, shall and lawfully may be commenced, instituted, and prosecuted against the Official Manager of such Company (by such Style and Designation aforesaid), as the nominal Defendant for and on behalf of such Company, and that whether there be One or more such Official Manager or Managers.

L.I. And be it enacted, That all Indictments, Informations, and Prosecutions by or on behalf of such Company, for stealing or Embezzlement of any Money, Goods, Effects, Bills, Notes, Securities, or other Property of or belonging to such Company, or for any Fraud, Forgery, Crime, or Offence committed against or with Intent to injure or defraud such Company or the Property thereof, whether such Stealing, Embezzlement, Fraud, Forgery, Crime, or Offence shall be taken place before or after the first Appointment of the Official Manager under this Act, shall and lawfully may be had, preferred, and carried on by the Official Manager of such Company by the Style and Designation aforesaid; and that in such Indictments and Informations to be had or preferred or on behalf of such Company by the Official Manager as aforesaid, against any Person whomsoever, notwithstanding such Person may be a Contributory of such Company, it shall be lawful and sufficient to state the Money, Goods, Effects, Bills, Notes, Securities, or other Property of such Company to be the Money, Goods, Effects, Bills, Notes, Securities, or other Property of the Official Manager of such Company, by such Style and Designation as aforesaid; and that any Forgery, Fraud, Crime, or other Offence committed against or with Intent to injure or defraud any such Company shall in such Indictment, notwithstanding as aforesaid, be laid or stated to have been committed against or with Intent to injure or defraud the Official Manager of such Company (by such Style and Designation as aforesaid), whether there be One or more Official Manager or Managers for the Time being; and that any Offender may thereupon be lawfully convicted for any Forgery, Fraud, Crime, or Offence; and that in all Informations, Allegations, Indictments, Informations, or other Proceedings of any Kind whatsoever, in which it otherwise might have been necessary to state the Names of the Persons composing such Company, it shall be sufficient to state the Style and Designation of the Official Manager of such Company.

L.II. And be it enacted, That where any Action, Suit, or other Proceeding shall be pending against the Company in respect of which such Official Manager shall have been appointed, or against any Person authorized to be sued as the nominal Defendant on behalf of such Company, it shall be lawful for the Plaintiff in such Action, Suit, or other Proceeding to substitute the Official Manager of such Company, by such Style or Designation as herein-before mentioned, as the Defendant in such Action, Suit, or other Proceeding, by en-

a Suggestion on the Roll to that Effect in such Action, and obtaining an Order to that Effect in such Suit, such Order be obtained on Motion or Petition, without Notice, and that it shall be lawful for the Plaintiff in such Action, Suit, or Proceeding to prosecute the same thenceforward against the Official Manager, in the same Manner, and with the same Effect, to all Intents and Purposes, and to have the same Benefit of any Order, Decree, Judgment, or other Proceeding lawfully made, obtained, and had, as if such Action, Suit, or Proceeding had been commenced against the Official Manager as Defendant under the Provisions of this Act.

*Actions
Suits by
against the
pany or
Contribu-*

III. And be it enacted, That where any Action, Suit, or Proceeding shall have been brought or instituted and shall be pending by or on behalf of the Company in respect of which an Official Manager shall have been appointed, or by any Person duly authorized to sue as the nominal Plaintiff on behalf of such Company, or by any One or more of the Members or Contributors of such Company acting or suing in the Name of the Company, or in the Behalf of himself and the other Members or Contributors thereof, as the Plaintiff or Plaintiffs, against any Person, it shall be lawful for such Plaintiffs to substitute the Official Manager of the Company, by such Style or Designation as is herein-before mentioned, as the Plaintiff in such Action, Suit, or Proceeding, by entering a Suggestion on the Roll to that Effect in such Action, and by obtaining an Order to that Effect in such Suit, such Order to be obtained on Motion or Petition without Notice, and that it shall be lawful for the Official Manager thenceforward to prosecute such Action, Suit, or Proceeding in the same Manner, and with the same Effect, to all Intents and Purposes, as if such Action, Suit, or Proceeding had been commenced by the Official Manager as Plaintiff under the Provisions of this Act.

*Pending
tions, &c.
behalf of
Company
be proce-
in the Na-
the Offici-
Manager*

IV. And be it enacted, That the Death, Resignation, or Removal of the Official Manager of any Company shall not abate or prejudice any Action, Suit, Indictment, Prosecution, or other Proceeding commenced or prosecuted under this Act.

*Death of
cial Man-
not to ab-
Action, &*

V. And be it enacted, That it shall be lawful for the Official Manager, under the Direction of the Master, to compromise or compromise any Right or Title, Claim or Demand, in which the Company may have or be entitled to against any Person whomsoever, and also any Claim or Demand to which the Company may be subject or liable, and also to compromise any Action or Suit which may be brought or prosecuted by or against the Official Manager on behalf of the Company, and to submit to Arbitration any Dispute or Difference affecting the Estate, Rights, Debts, Credits, or Liabilities of the Company, and upon any Award made to perform, execute, and effect to the same.

*Official I-
nager, wi-
probation
the Mast-
may com-
mise.*

VI. And be it enacted, That all Orders and Decrees made and pronounced in any Suit or Proceeding in any Court of Equity against the Official Manager of any Company shall have the like Effect and Operation upon and against the Property of such Company,

*Orders &
Decrees
Court of
against the
cial Man-
to take e*

against the
Company.

Company, and upon and against the Persons and Property of every Contributory thereof, as if the same had been made and pronounced against the Company, or any Person duly authorized to be sued as the nominal Defendant on behalf of the same, or (as the Case may be) as if every Contributory of such Company were actually before the Court as a Party to such Suit or Proceeding; and it shall be lawful for the Court by which any such Decree or Order shall have been made or pronounced to direct, by the same or any subsequent Order, subject nevertheless to such Terms, if any, as the Court shall think fit to impose, that any such Decree or Order made or pronounced against any such Official Manager as aforesaid be enforced against every Contributory of such Company, or against any particular Class or Classes of Contributories, to the Extent of their legal or equitable Liabilities, and thereupon and upon an Order for that Purpose to be obtained upon Motion to be made *ex parte*, but in open Court, such Decree or Order shall, after Seven Days Notice to the particular Person or Persons sought to be charged, be enforced and executed accordingly.

Judgments
against Official
Manager to
take effect
against the
Company.

LVII. And be it enacted, That all Judgments which shall be entered up in any Action at Law against the Official Manager of any such Company shall have the like Effect and Operation upon and against the Property of such Company, and upon and against the Persons and Property of the Contributories thereof, and shall be enforced in like Manner, as if such Judgments had been entered up against such Company, or against any Person duly authorized to be sued on behalf of the same.

Act not to
affect Rights of
Creditors nor
existing Con-
tracts.

LVIII. Provided always, and be it enacted, That, except as is by this Act expressly provided, nothing in this Act contained, nor any Petition or Order under the same for the Dissolution and Winding-up or for the winding up of any Company, shall extend or enlarge, diminish, prejudice, or in anywise alter or affect the Rights or Remedies of Creditors, or other Persons not being Contributories of the Company, or the Rights or Remedies of Creditors being also Contributories, but being Creditors of the Company upon a distinct and independent Account, whether against the Company or against any of the Contributories of the same, nor the Rights or Remedies of the Company against any Contributories or other Persons, nor shall alter or affect any Contracts or Engagements entered into by or with the Company, or any Person acting on behalf of the same, previously to any such Petition, nor any Actions, Suits, or other Proceedings pending at the Date of such Petition.

Official Ma-
nager to be
indemnified.

LIX. And be it enacted, That no Judgment, Decree, or Order to be obtained or entered up against the Official Manager of any Company, as representing the same, shall affect or be executed against the Person or Property of the Party who may for the Time being be such Official Manager, otherwise than as a Contributory, and that every Official Manager shall always be fully reimbursed and indemnified, out of the Assets of the Company or out of the Credits thereof, and, if necessary, by

Calls

to be made on the Contributories, for all Losses, Costs, Charges, Damages, and Expenses, without Deduction, save and except such, if any, Losses, Costs, Charges, Damages, and Expenses as shall have been unduly or improperly sustained or incurred by any such Official Manager.

Actions and Suits by and against the Company and its Contributories

X. And be it enacted, That no Action, Suit, or other Proceeding in any of Her Majesty's Superior Courts at *Westminster* or *Dublin* shall be instituted or brought or proceeded in by the Official Manager, whether against a Contributory of the Company or any Debtor or other Stranger thereto, but at the Leave or according to the general Direction of the Master, to be obtained in that Behalf by the Official Manager, shall accordingly apply for the same; and that no such Action, Suit, or other Proceeding shall be proceeded with if the Master shall, by Writing under his Hand, direct that the same shall be stayed or discontinued: Provided always, that the Want of such Leave as aforesaid shall not be set up as or in anywise constitute a Defence to any such Action, Suit, or other Proceeding.

No Action or Suit to be instituted or proceeded with by the Official Manager but by Leave of the Master.

XI. And be it enacted, That no Claim or Demand which any Contributory of the Company may have in respect of his Share, or in respect of the Share of any deceased or former Contributory of the Company in right of whom he claims, of Capital or Joint Stock thereof, or of any Dividends, Interest, Profit, or Bonus payable or apportionable in respect of his Share, shall be capable of being set off, either at Law or in Equity, against any Demand which the Official Manager of the Company may have against such Contributory, upon a distinct or independent Account, Contract, or Dealing between the Person being such Contributory and the Company: Provided nevertheless, that if a Balance shall appear to be and be justly due from any Contributory on his Account with the Company as Contributory as entered in the Books thereof, and such Contributory shall, upon a distinct and independent Account, Contract, or Dealing, be a Creditor of such Company, the Official Manager shall set off the Amount of such Balance against the Demand which such Contributory shall have been entitled to as such Creditor as aforesaid.

No Claim of any Contributory in respect of his Share to be set off against any Demand of the Official Manager of a dissolved Company against such Contributory.

XII. And be it enacted, That it shall be lawful for the Official Manager, with the Leave of the Master, to be signified by Writing under his Hand, to defend, either by his official Agent and Designation, or in the Name of the original Defendant, any Action or Suit brought against any individual Contributory of the Company; but that in such Case any Judgment or Decree to be obtained by the Plaintiff shall have the same Effect, but no further or otherwise, than if the same had been obtained against the original Defendant in such Action or

Official Manager, with Leave of Master, may defend Action or Suits against individual Contributories.

XIII. And be it enacted, That it shall be lawful for the Master, as well before as after the Order absolute, to summon before him any Person, whether a Contributory of such Company or not, who shall be or shall be deemed to be capable of giving

7.
Ascertaining and getting in the Estate.

The Master may summon

any Person, whether a Member of the Company or not, to give Evidence as to the Affairs, &c.

giving Information concerning such Company, or the Estate, Dealings, or Affairs thereof, and also to require such Person summoned to produce, and if a Contributory to leave with the Master or the Official Manager, any Books, Papers, Deeds, Writings, or other Documents in the Custody, Possession, or Power of such Person, which may appear to the Master to be necessary or expedient to be produced or left as aforesaid; it shall be lawful for the Master to examine every such Person upon Oath, by Word of Mouth or upon Interrogatories in Writing, concerning such Company, or the Estate, Dealings, or Affairs thereof; and every Person so summoned who shall not come before the Master, or shall refuse to be sworn and examined, or shall not fully answer to the Satisfaction of the Master, or shall refuse to sign or subscribe his Examination, or shall refuse to produce or shall not produce any such Book, Paper, Deed, Writing, or Document, shall be liable to be committed to the Queen's Prison: Provided always, that every such default or Refusal shall be certified by the Master, and thereupon such Order shall be made by the Court, upon Motion for that Purpose, of which Notice shall be given to the Person so summoned, as the Court shall see fit.

Costs of Witnesses.

LXIV. And be it enacted, That every Person summoned before the Master as a Witness shall be entitled to such Allowance and Charges as are by Law allowed to Witnesses; but where any Person who at the Time of the Order absolute was a Contributory of such Company shall be summoned as a Witness, every such Person shall have such Costs and Charges only, if any, as the Master in his Discretion shall think fit; but in all such Cases the Master may suspend the Payment of such Costs until such Time as he shall think reasonable.

Penalty on Contributories, &c. concealing the Estate of the Company, 100*l*., and double the Value of the Estate concealed.

LXV. And be it enacted, That if any Person who at the Date of the Order absolute was a Contributory of such Company shall wilfully conceal or withhold any Real or Personal Estate or Effects of such Company, and shall not within Ten Days after the Order absolute discover such concealed or withheld Estate or Effects to the Master or to the Official Manager, every such Person shall forfeit the Sum of One hundred Pounds and double the Value of the Estate so concealed or withheld to be recovered in Action of Debt by the Official Manager, or any of Her Majesty's Courts of Record, for the Use of such Company; and the Certificate of the Master, signed by him in respect of such wilful Concealment or Withholding, shall be Evidence in such Action of Debt of such wilful Concealment or Withholding.

Pending the winding up, Master may require Payment of Balances.

LXVI. And be it enacted, That after the Appointment of the Official Manager of the Company the Master shall from Time to Time, by Order to be made upon the Application of the Official Manager or of any Contributory, order and require any Contributory, Trustee, Receiver, Banker, or Agent to deliver, or transfer forthwith, or within such Time as the Master shall direct, into the Hands of the Official Manager, any Money or Balance, Books, Papers, Estate, or Effects which shall ha

to be in his Hands for the Time being, and to which the Company is *primâ facie* entitled, or which, in the Case of a Contributory, shall appear to the Debit of his Account as Contributory with the Company, as entered in the Books of the Company, anything in the present Practice of Courts of Equity to the contrary notwithstanding: Provided nevertheless, that it shall be lawful for the Person upon whom any such Order shall be made to apply to the Master to discharge or vary any such Order, or to enlarge the Time thereby fixed for such Payment.

LXVII. And be it enacted, That when any Order shall have been made under this Act, by the Master or by the Court, for the Payment of any Monies, or for the Delivery of any Effects, Books, or Documents to the Master or the Official Manager, and Default shall have been made by any Person in obeying such Order, the same may be enforced against such Person upon Affidavit, by the Official Manager, of such Default, and without any previous Demand by the Official Manager or any other Person.

*Ascertaining
and getting in
the Estate.*

Orders may be enforced upon Affidavit of Default, and without previous Demand.

LXVIII. And be it enacted, That the Conveyance or Assignment by the Official Manager of any Company of all Real Estate, of whatever Tenure, and Chattels Real, by this Act vested in such Official Manager, shall be by Deed of Grant; and that every such Deed of Grant shall be approved by the Master, and such Approbation certified in the usual Way; and being so approved and certified, shall be effectual to grant all the Interest for the Time being vested in the Official Manager, or which by such Deed shall be expressed to be granted, of and in the Real Estate or Chattels Real intended to be granted, to the Uses, Intents, and Purposes, or upon the Trusts, or subject to the Powers, Provisoes, Agreements, and Declarations, which may be contained and declared in the same, according to the Nature and Tenure of the Subject of the Grant, without any Confirmation by Order of Court or otherwise; and that the Signature of the Official Manager to any Deed so certified, wherein any Money shall be expressed to be received by him, shall effectually discharge all Persons by whom the same shall be expressed to be paid from seeing to or being accountable for the Application of the Money therein acknowledged to be received by the Official Manager: Provided always, that in the Case of any Copyhold or Customaryhold Hereditaments such Deed of Grant shall be entered upon the Court Rolls of the Manor of which the same are holden, and when so entered shall be effectual without any Surrender or Admittance of the Grantee, subject nevertheless to the Rents, Fines, Heriots, Suits, and Services due and of Right accustomed for the said Lands.

Conveyances or Assignments of Real Estate or Chattels Real by Official Manager, how to be made and certified.

LXIX. And be it enacted, That where any Part of the Assets of any Company respecting which an Order absolute shall have been made shall consist of any Government Stock, Funds, or Annuities, or of the Stock of any public Company in England, Scotland, or Ireland, not standing in the Name of the Company, it shall be lawful for the Master, by Writing under

As to Stock in the Funds, &c

*Ascertaining
and getting in
the Estate.*

his Hand, to direct such Person as the Master shall think proper to appoint for that Purpose in the Place of the Person in whose Name or Names such Stock, Funds, or Annuities shall be standing, (but subject nevertheless to any Distringas, Stop Order, or other Process which may affect the same for the Time being) to transfer the same into the Name of "The Official Manager of the Company (described as aforesaid); and the Governors of the Company of the Bank of *England*, and all other Companies and Societies, and their Officers and Servants, are hereby required to allow such Transfer to be made, and they are to be respectively indemnified for all things done or permitted pursuant to such Direction.

*Payment of
Money into the
Bank.*

LXX. And be it enacted, That all Monies which shall be received, recovered, collected, and got in under this Act by the Official Manager, and which shall be derived by the Sale or Conversion of any of the Assets or Estate of the Company, which he shall be appointed Official Manager, shall be paid by such Official Manager into the Bank of *England* or into the Bank of *Ireland* (as the Case may be), or any Branch Bank of either respectively, to the Credit of an Account to be intituled "Account of the Official Manager" of the particular Company in respect of which such Monies shall have been received, recovered, collected, got in, and derived as aforesaid; and no Money so paid shall be standing to such Account shall be paid out by the Official Manager except upon Cheques signed by the Official Manager and countersigned by the Master: Provided always, that it shall be lawful for the Official Manager to retain in his Hands for certain special Purposes such a Sum of Money as the Master shall from Time to Time direct.

8.
*Proof
of Debts, &c.*

*List of Debts
to be made out
by the Official
Manager.*

LXXI. And be it enacted, That the Official Manager of the Company, with all convenient Speed after his Appointment make out of the Books of Accounts and Papers of the Company a List of Debts and Demands due or which may be claimed from the Company, and shall make such Observations with reference to such Debts and Demands, or any of them, and as to the Amount thereof respectively, as he shall think proper to be made therein in order to assist the Master in forming a Judgment thereon when any Debt shall be claimed to be proved before the Master in pursuance of the Advertisement in that Behalf herebefore mentioned; and when any of such Debts shall have been proved or claimed before the Master as herein-after mentioned the same shall be entered in a new List to be made by the Official Manager, so that the Debts and Demands allowed by the Master shall be distinguishable from such of them as shall be disallowed, or shall be allowed only as Claims; and in case of Debts or Demands which shall be disallowed, or allowed only as Claims, shall be afterwards allowed by the Master as shall have been duly proved, or shall be duly established by legal Proceedings or otherwise, such Changes and Variations shall be made by the Official Manager in such List or Lists of Debts as shall be required to be made in order that such List or Lists shall correctly represent the State and Condition of the Affairs of the Company.

Con

pany in regard to the Debts and Demands due or claimed or against them; and in such List or Lists the Official Manager, in Cases where it shall be necessary or convenient for Purposes of the winding up, shall enter the Dates or Times when such Debts or Demands, or any of them respectively, were contracted or became due, and shall enter all Sums of Money which shall have been paid in discharge or on account of such Debts and Demands, or any of them; and such Lists respectively, and all Changes and Variations therein, shall be entered by the Official Manager in a Book to be provided and kept by him; and such Book shall from Time to Time as the Master shall require be inspected by the Master.

XXII. And be it enacted, That within Ten Days after the first Meeting of the Company, or absolute shall have been brought in before him the Master shall cause to be advertised in the *London Gazette* that he is about to wind up of the Company, and thereby requiring Creditors to come in before him, and to prove their Debts and Demands.

XXIII. And be it enacted, That after the first Appointment of an Official Manager no Creditor or other Person shall, except so far as the Master shall permit, have Power to commence or to proceed with any Action against the Official Manager or the Company, or any other Person representing the Company, or who is sued as a Contributory thereof, until after Proof, or until he has exhibited or making such Proof as he may be able, of his Debt or Demand before the Master, as herein-after mentioned; and it shall be lawful for any Judge of the Court in which such Action shall be pending, upon Summons taken out before him for that Purpose, to order that all further Proceedings in such Action shall be stayed until after such Proof shall have been made or exhibited before the Master.

XXIV. And be it enacted, That the Creditors of the Company making Proof of their respective Debts or Demands before the Master shall make Proof thereof by Deposition or Affidavit in the same Manner in all respects as Debts are now allowed to be proved in Bankruptcy: Provided nevertheless, that it shall be lawful for the Master to allow or direct the Proof of such Debts or Demands, or any of them, to be made by the Official Manager or by the Creditors in such other Form and in such Manner as he shall think fit.

XXV. And be it enacted, That the Master shall, upon any Proof made or offered and exhibited before him of the Debts and Demands due or claimed from or against the Company, or any Person, either allow or disallow, or allow as Claims only, such Debts and Demands respectively, according to the Nature of the same, and of the Proofs adduced or exhibited before him, and by Writing under his Hand, declare such Allowance and Disallowance, or such Allowance as Claims only.

XXVI. And be it enacted, That the Official Manager shall make out a List of the Members and other Contributories of the Company, together with their respective Addresses, and the Number of Shares or Extent of Interest to be attributed

*Proof
of Debts, &c.*

Master to advertise Commencement of winding up.

No Action or Suit to be instituted or proceeded with against the Company but after Proof of Debt.

Proof of Debts to be made as in Bankruptcy, or otherwise as Master shall direct.

Master to allow or disallow Debts.

9.
*The List of
Contributories,
and their
mutual Rights.*

Official Manager to make

*Payment of
Debts, Calls, and
Distribution
of Funds.*
—

Master to ap-
portion Amount
of Calls.

Notice of In-
tention to make
Calls to be
given by Ad-
vertisement.

Unless Cause
shown to the
contrary, Order
to be made for
Payment of
Calls.

Order to be
advertised and
served.

Official Mana-
ger may, with
Approbation of
Master, enforce
Payment, give
Time, &c.

and Estate of the Company after the Payment of all Debts and Liabilities, Costs, Charges, and Expenses, shall be paid and distributed by the Official Manager, under the Directions of the Master, so and in such Manner as shall (as far as possible) satisfy all such Claims, and shall finally wind up and settle the Affairs of the Company.

LXXXIV. And be it enacted, That after the Master shall have determined the Amount necessary to be raised by or of a Call he shall apportion the same among the several Contributories of the Company appearing from Time to Time upon the List, so far as then settled by the Master, or among them as ought to contribute thereto, according to their respective Liabilities, and that such Apportionment may be enforced against such Parties as he has already determined to be Contributories, although it may then be under Consideration or undecided whether other Parties ought or ought not to be included in the List of Contributories.

LXXXV. And be it enacted, That previously to the making of any Call the Master shall, in such Manner as the Court may by any General Order or any Special Order in the Matter, shall from Time to Time direct, and in default of and subject to any such Direction then by Advertisement in Two successive Numbers of the *London Gazette*, and otherwise as he shall think proper, give Notice of a Day, Hour, and Place at which he will make such Call, and of the proposed Amount thereof; and all Parties interested shall be entitled to attend at such Day, Hour, and Place, and to offer Objections to or relating to any such Call.

LXXXVI. And be it enacted, That, unless Cause shall be shown to the contrary, to the Satisfaction of the Master, at the Time and Place appointed for making such Call, the Master shall then make an Order for such Call, and for the Payment of the Official Manager of the Balance which shall be due from the respective Contributories, after debiting them with the Amount of such Call, on or before a Day and at a Place to be appointed, fixed, such Day not being earlier than Three Weeks from the Date of the peremptory Order.

LXXXVII. And be it enacted, That every such Order shall be advertised once or oftener in the *London Gazette*, and a Copy of such Order shall be served on the respective Contributories, and every Contributory shall also be furnished with a Statement of the Balance of his Account, after debiting the same with the Amount chargeable against him in respect of such Call: Provided nevertheless, that the Advertisement or the first Advertisement (if more than One) of such Order shall not take place at a longer Period than Ten Days after the Date thereof, or in case an Appeal shall be made to the Court against such Order, such Advertisement or first Advertisement shall not take place until after such Appeal shall have been disposed of.

LXXXVIII. And be it enacted, That it shall be lawful for the Official Manager, with the Approbation of the Master, from Time to Time to enforce Payment of, give Time, or compound, or require or take any Security for any Balance or Claim.

most any of the Contributories of the Company, and also to abandon any such Balance or Claim where the Contributory against whom the same is claimed shall die, or be found and adjudged bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, or dwell or escape beyond Seas, or be known to be insolvent or incapable of paying his Debts, or in any other Cases as the Master shall think fit; and it shall not be necessary to include in any subsequent Call any Contributory against whom any Balance or Claim shall have been abandoned, but the whole Amount of every subsequent Call shall be apportioned among the other Contributories: Provided always, that nothing herein contained shall extend to discharge the Estate of such Contributory so left out of any Call from any Claim which may exist against the same on behalf of the Company or any other Contributory thereof, but that it shall be lawful for the Official Manager to prove for the Amount thereof in the Matter of such Bankruptcy or Insolvency (if any), and to receive Dividends thereon, or to proceed against such Contributory for the same, whenever it may appear expedient so to do; and any Debts so to be recovered shall be dealt with as Part of the Assets of the Company, or otherwise as the Master shall direct.

LXXXIX. And be it enacted, That in case any Money shall be due from the Estate of a deceased Contributory whose Executor or Administrator shall not admit Assets, it shall be lawful for the Master to direct that any Suit or Action shall be brought and other Steps taken for compelling Payment of what shall be so due, and for obtaining, if necessary, an Administration of the Estate of such deceased Contributory in or towards Payment of his Debts; and that any such Suit or Action shall and may be brought by the Official Manager by the Style and Designation of the said; and the Production of the Order or an Office Copy of the Order for Payment of any Balance shall be sufficient Evidence of the Debt in respect of which such Action or Suit shall be brought as aforesaid.

C. And be it enacted, That as far as in the Judgment of the Master it shall be consistent with the Interest of the Company, the Master shall cause the Official Manager to circulate and advertise in the *London Gazette*, or otherwise to give Notice of the Master shall direct, of all Accounts and Balance Sheets and Particulars, if any, of Proceedings in and about the Liquidation which it shall be expedient to make known to the Contributories or to the Creditors of the Company.

CI. And be it enacted, That in order to facilitate the settling up of the Affairs of any Company, and to determine and resolve any Questions of Law or of Fact that may arise between such Company and any of the Contributories or Creditors thereof, or between any Two or more of the Contributories, or between any Contributory and any Creditor, it shall be lawful for the Master to direct that such Parties as he shall think fit to appoint shall proceed to try, in such One of His Majesty's Courts of Law at *Westminster* or *Dublin* as the Master shall think fit, any Issues of Fact, and to direct that

Payment of Debts, Calls, and Distribution of Funds.

Master may direct Action or Suit where Assets of a deceased Contributory are not admitted.

Official Manager, by Direction of Master, to circulate Accounts and Balance Sheets, &c.

11.
Powers of Master.

Power to Master to direct Issues, Special Cases, and Actions.

*Appeals and
Special Reports.*

Rehearing be-
fore the Lord
Chancellor.

Appeal to the
House of Lords.

13.
Costs and Fees.

Costs of proving
Debts, &c. to
be at the Dis-
cretion of
Master.

Costs of Pro-
ceedings before
the Court.

How Costs to
be ascertained.

How recover-
able.

Lord Chan-
cellor may fix
Table of Fees.

14.
*Service,
Evidence, and
Penalties.*

Notices may be
served by being
sent by Post.

that the Opinion of the Court may be taken therein on respect thereto, and such Special Report shall be brought to the Court by such Parties as the Master shall direct by Motion praying that such Special Report may be confirmed, discharged, or varied by Order of the Court, or that any Directions may be given thereon; and on the hearing of such Motion the Report shall be confirmed, discharged, or varied, as to the Court shall seem just, or such Directions shall be given as shall appear to be necessary or expedient in that Behalf.

CI. And be it enacted, That every Order made by the Master of the Rolls in *England* or *Ireland*, or any of the Vice-Chancellors in *England*, under this Act, may be reheard by the Lord Chancellor of *Great Britain* or *Ireland*, as the Court may be, and such Rehearing may be brought before the Lord Chancellor by way of Motion.

CII. And be it enacted, That an Appeal shall lie from the House of Lords from all Orders to be made by the Court under this Act.

CIII. And be it enacted, That the general Costs of winding up the Estate, and the Costs of proving Debts and of proving Issues, and of all other Matters in which Creditors or particular Contributories or Classes of Contributories or Classes of Contributories of such Company shall be interested, shall be paid at the Discretion of the Master, and shall be paid either out of the general Estate of such Company, or out of any Portion of the general Estate, or shall be debited or credited to any individual Contributory or Classes of Contributories, or shall be set off to such Set-off as the Master shall from Time to Time direct.

CIV. And be it enacted, That the Costs of all Proceedings which shall take place before the Court shall be in the Discretion of the Court.

CV. And be it enacted, That all Costs shall be ascertained by the Master, or shall be taxed, settled, and adjusted by the Masters of the Court as he shall direct; and it shall be lawful for the Masters of the Court and they are hereby required to make their Certificate of such Taxation in the usual Manner, and such Costs as the Master shall direct to be taxed by them shall be made their Certificate of such Taxation in the usual Manner.

CVI. And be it enacted, That all Costs ordered to be paid under this Act shall be recovered in the same Manner as the same or any such Process as Costs ordered to be paid by any Party under any Order or Decree made in a Suit pending in the Court.

CVII. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls or of the Vice Chancellor, from Time to Time to fix, alter, and vary a Table of Fees to be paid and charged in respect of all Proceedings, Orders, and other Matters under this Act.

CVIII. And be it enacted, That every Summons, Order, or other Document of which Service is required by anywise authorized under this Act, unless specially directed by this Act, by the Court, or by the Master to be served by anywise, may be served by the same being sent by Post to the

Address of the Party or Solicitor on whom the same be required to be served, within such Period as to admit of its being delivered within the Period prescribed (if any) for its to be given, and that although any such Party may be out of the Jurisdiction of the Court; and in proving such Service it shall be sufficient to prove that the Document was properly directed, and that it was put into the Post Office, and returned, the Person to whom it is directed not being known, and it shall be deemed to have been served as of the Date when it should have been delivered in due Course of Law by the Post.

X. And be it enacted, That every Advertisement by Act required or authorized to be made in the *London Gazette* shall in the Case of every Company whose principal or Place of Business shall be in *Ireland*, or the winding up which for the Time being shall proceed in the Court of Chancery in *Ireland*, be advertised in the *Dublin Gazette* instead of the *London Gazette*: Provided always, that it shall be lawful for the Court of Chancery in *Ireland* to direct any such Advertisement to be made in the *London Gazette* as well as in the *Dublin Gazette*, and vice versa.

XI. And be it enacted, That a Copy of the *London Gazette* or of the *Dublin Gazette* containing any such Advertisement hereby directed or in anywise authorized to be made shall in respectively shall be Evidence of any Matter therein contained, and of which Notice is hereby directed or in anywise authorized to be given by such Advertisement; and that any Person who shall insert or cause to be inserted in the *London Gazette* or in the *Dublin Gazette* any Advertisement under this Act without Authority, or knowing the same to be false in any material Particular, shall be guilty of a Misdemeanor.

XII. And be it enacted, That all Courts, Judges, Justices, Clerks, Commissioners judicially acting, and other Officers, whether in *Great Britain* or *Ireland*, shall take judicial Notice of the Signature of any Master or Registrar or other Officer, of the official Seal of the Report and other Offices of the Court of Chancery in *England* or *Ireland*, as the Case may be, subscribed, attached, or appended to any Order, Report, Certificate, or other judicial or official Document to be made or signed under the Provisions of this Act.

XIII. And be it enacted, That if any Person shall forge the Signature of any such Master or Registrar or other Officer, or the official Seal of the Report or other Office of the Court of Chancery in *England* or *Ireland*, subscribed, attached, or appended to any such Order, Report, Certificate, or other judicial or official Document as aforesaid, or shall tender in Evidence any such Order, Report, Certificate, or other judicial or official Document with a false or counterfeit Signature of any such Master or Registrar or other Officer, or a false or counterfeit Seal of any such Office as aforesaid, attached or appended thereto, or using the same Signature or Seal to be false or counterfeit, every

General Practice of Courts to be followed where not varied under this Act.

Court may stay Proceedings on any Report or Order.

Matters not provided for to be reported to the Court.

Power to Lord Chancellor to appoint Official Managers.

Matter of which the Petition is presented; and the general Practice of the Courts of Chancery in *England* and *Ireland* Suits pending in the same Courts respectively, so far as the same shall be applicable, and so far as the same is not or may not be inconsistent with this Act, or with any Rules or Orders to be made under this Act, shall apply to all Proceedings taken or by virtue of this Act.

CXIX. And be it enacted, That it shall be in the Discretion of the Court, on Application made to it in that Behalf by any Party interested in the Matter of the Winding-up, to stay Proceedings on any Report or Order of the Master.

CXX. And be it enacted, That if any Matter shall arise or about the Dissolution or Winding-up of any Company shall be brought before the Court, and it shall appear to the Master not to be sufficient provided for by this Act, or by any Rules or Orders for the Time being in force, it shall be lawful for the Master, on the Application of the Official Manager, or of any Party to the Winding-up, or at his Discretion, to report the same to the Court, who may make thereon such Special Order or such General Order, in manner by this Act directed, as may be necessary or expedient under the Circumstances.

CXXI. Provided always, and be it enacted, That, notwithstanding anything herein-before contained, it shall be lawful for the Lord Chancellor from Time to Time to appoint such Number of Persons to act as Official Managers under this Act, and by any General Order, or by any Special Order with reference to any particular Company to be made in that Behalf, to direct that the Official Managers of any Company to be dissolved or wound up under this Act shall be chosen exclusively or at the Discretion of the Master, from the List of Persons who may be so appointed as from a Date to be fixed by any such Order, and also to direct that such Official Managers shall be appointed or selected in rotation or otherwise, and also to determine whether any and what Security shall be given by any Official Managers so to be appointed, and whether they shall exercise all or any of the Powers, Authorities, and Discretions hereby given to the Official Manager, and in all respects to regulate the Conduct and Duties of the Official Managers so to be appointed; and in default of and subject to any such Order, all the Provisions in this Act contained with reference to the Official Manager, his Duties, Powers, Authorities, and Discretions, shall apply in all respects to any Official Manager appointed under this present Clause.

CXXII. And be it enacted, That it shall be lawful for the Lord Chancellor of *Great Britain*, with the Advice and Consent of the Master of the Rolls and any One of the Vice-Chancellors for the Time being, or with the Advice and Consent of any Two of the Vice-Chancellors, from Time to Time, as often as Circumstances shall require, to make and promulgate such Rules and Orders concerning the Form and Mode of Proceeding to be had for settling and enforcing the Contributions to be paid by any Contributory for the Time being of any

16.

Miscellaneous.

Lord Chancellor, with the Advice and Consent of Master of Rolls and Vice-Chancellor, to make General Rules and Orders.

pany, and the Practice to be observed by the Court in or relating to such Proceeding, or any Matters relating thereto, and the Form and Mode of proceeding to be had and taken before the Master primarily, or by reference from the Court, in any Matter relating to Contribution, as shall from Time to Time seem necessary or proper for the Advancement of Justice in such Cases, and for adjusting and determining the Rights and Equities of the Parties concerned, and for suing for and getting in the Assets, and for ascertaining and discharging the Liabilities of such Company, and requiring the Creditors thereof to claim their Debts, and finally winding up the Affairs thereof with as little Delay, Expense, and Uncertainty as possible, and afterwards to vary, discharge, or alter such Rules or Orders, or any of them, by any other Rules or Orders, although such Rules and Orders respectively, or any of them, may repeal or vary the Provisions as to Procedure contained in this Act or any of them, or may prescribe others in lieu of the same or any of them: Provided always, that such Rules and Orders shall be laid before both Houses of Parliament within One Month from the making thereof, if Parliament be then sitting, or, if Parliament be not then sitting, within One Month from the Commencement of the then next Session of Parliament.

CXXIII. And be it enacted, That the District Commissioners of the Court of Bankruptcy and the Judges of the County Courts shall be and they are hereby appointed to be Masters Extraordinary of the Court of Chancery for the Purposes of this Act; and that it shall be lawful for the said Lord Chancellor or the Master of the Rolls, on Petition to be presented to him in any Matter depending under this Act in the Court of Chancery in *England*, by any Party interested therein, to refer or to direct or allow the Master to refer all or any Part of the said Matter to any such District Commissioners of the Court of Bankruptcy or Judges of the County Court, and by the same or any other Order to direct that such District Commissioners or Judges shall have and exercise in and about the Matters referred to him or them all or any of the Powers and Authorities by this Act given to the Master; and that the Provisions in this Act contained for the making and laying before Parliament General Rules and Orders for the Purposes of this Act by the Lord Chancellor of *Great Britain*, with such Advice and Assistance as herein mentioned, shall in all respects apply to any Rules or Orders to be made for the regulating the Jurisdiction, Powers, Authorities, and Discretion to be had and exercised by any such District Commissioners and Judges in any Proceedings under this Act, or otherwise for carrying into effect the Objects of this present Provision.

CXXIV. And be it enacted, That the Provision in this Act contained for the making and laying before Parliament General Orders and Rules for the Purposes of this Act by the Lord Chancellor of *Great Britain*, with such Advice and Assistance as herein-before mentioned, shall in all respects apply to any Rules and Orders to be made by the Lord Chancellor of *Ireland*,

Miscellaneous.

District Commissioners of Bankruptcy and Judges of County Courts to be Masters Extraordinary in Chancery, and Matters may be referred to them.

Provisions as to General Rules, &c. to apply to such District Commissioners and Judges.

Provision as to General Orders to apply to *Ireland*.

Miscellaneous.

Petition for
Dissolution, &c.
to be a *Lis*
pendens.

2 & 3 Vict. c. 11.

Forms in Sched-
ule may be
used.

Act not to ap-
ply to Scotland.

Act may be
altered, &c.

land, with the Advice and Assistance of the Master of the Rolls in *Ireland*, for the Purposes of this Act in *Ireland*, such Rules and Orders to be laid before Parliament in like Manner as Rules and Orders by the Lord Chancellor of *Great Britain*.

CXXXV. And be it enacted, That any Petition for Dissolution and Winding-up or for Winding-up under this Act constitute a *Lis pendens* within the Terms of an Act passed in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for the better Protection of Parties against Judgments, Crown Debts, Lis pendens, and Fraudulent Bankruptcy*, provided the same be duly registered in manner required by such Act concerning Suits in Equity.

CXXXVI. And be it enacted, That the Forms contained in the Schedule to this Act annexed, with such Variations or Additions thereto as may be expedient in any particular Case, may be lawfully and effectually used in any Proceedings under this Act, to which the same shall respectively be applicable, in whole or in part.

CXXXVII. And be it enacted, That this Act shall not extend to *Scotland*, except so far as is by this Act specially provided.

CXXXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULE to which the foregoing Act refers.

1. *Advertisement of Petition for Dissolution, or Dissolution and Winding-up.*

In the Matter of the Joint Stock Companies Winding-up Act, 1848, and of the Company.

A Petition for the Dissolution and Winding-up [or for Winding-up, as the Case may be,] of the above-named Company was presented to [the Lord Chancellor, Master of the Rolls, &c. as the Case may be, specifying whether in *England* or *Ireland*,] by [Names of the Petitioner or Petitioners]
Day of 18 .

2. *Mandatory Part of Order absolute.*

In the Matter of the Joint Stock Companies Winding-up Act, 1848, and of the Company.

His Lordship [or his Honour] doth order, That the Company be absolutely dissolved as from this Day of [or from the Day of] and wound up [or be absolutely wound up] under the Provisions of the Joint Stock Companies Winding-up Act, 1848, [here insert any Directions, if any]. And it is ordered, that it be referred to the Master of this Court in rotation [or to such Master as may be named in the Order] to wind up the Affairs of the Company under the Provisions of the said Act.

Advertisement of Intention to appoint Official Manager.

Matter of the Joint Stock Companies Winding-up Act,
1848, and of the Company.

[X.Y.], the Master of the High Court of Chancery charged
the winding-up of this Company, hereby give notice, That
I, at my Chambers in Southampton Buildings, Chancery
London, on the Day of at
o'Clock in the Forenoon, or at such other adjourned
or Place as I may then or afterwards fix, appoint an
Manager [or Official Managers] of this Company; and
notice that all Parties interested are entitled to attend at
Time and Place, and to offer Proposals or Objections as to
each Appointment.

4. Proposal of Official Manager [and Sureties].

Matter of the Joint Stock Companies Winding-up Act,
1848, and of the Company.

hereby propose [A.B.] to be Official Manager of this
Company [and C.D., E.F., &c. to be his Sureties].

[A.B.]
[W.], Solicitor for [C.D.]

*Order appointing Official Manager and Sureties, and
Advertisement.*

Wednesday the Day of

Matter of the Joint Stock Companies Winding-up Act,
1848, and of the Company.

I do order and appoint [M.N.] of to be Official
Manager of this Company, and I direct that within
from the Date hereof he do enter into his own Recogni-
tance to the Amount of Nine thousand Pounds [or such Amount
as the Master shall fix]. And I do approve of the under-
signed Persons to be Sureties of the said [M.N.] for the
respective Amounts set opposite their respective Names in the
Schedule hereto:—

SCHEDULE.

[Sir O.P.] of [&c., Bart.]	-	-	[£5,000]
[Q.R.] of [&c.]	-	-	[£2,000]
[S.T.] of [&c.]	-	-	[£1,000]
[V.W.] of [&c.]	-	-	[£750]
[X.Z.] of [&c.]	-	-	[£250]

Advertisement.

Matter of the Joint Stock Companies Winding-up Act,
1848, and of the Company.

[Y.], the Master of the High Court of Chancery charged
the winding-up of this Company, has this Day appointed
[] of Official Manager of this Company.

Dated 184 .

[X.Y.], Master.

6. *Recognizance of Official Manager and Sureties.*

[*M.N.*] of _____ in the County of _____
 [*Gentleman*], [*Sir O.P.*] of _____ [*Baronet*], [*Q.R.*]
 of _____ in the said County _____, [*S.T.*] of [*&c.*],
 [*V.W.*] of [*&c.*], and [*X.Z.*] of [*&c.*], before our Sovereign
 Lady the Queen appearing, have acknowledged themselves, and
 every of them hath acknowledged himself, to owe to [*X.Y.*] [*the*
Master charged with the winding up], Master of the High Court
 of Chancery, the respective Sums of Sterling Money of the
 United Kingdom of Great Britain and Ireland set opposite to
 their respective Names in the Schedule hereto, to be paid to the
 said [*X.Y.*], his Executors and Administrators, and in default
 of Payment of the said Sums the said [*M.N.*, *O.P.*, *Q.R.*, *S.T.*,
V.W., and *X.Z.*] are willing and do agree, and every of them is
 willing and doth agree, for himself, his Heirs, Executors, and
 Administrators, by these Presents, that the said Sums shall be
 levied, recovered, and received of them and every of them, and
 of and from all and singular the Manors, Messuages, Lands,
 Tenements, Hereditaments, Goods, and Chattels of them and
 every of them, wheresoever the same shall be found. Witness
 our Sovereign [*Lady Victoria*], by the Grace of God of the
 United Kingdom of Great Britain and Ireland [*Queen*], De-
 fender of the Faith, at Westminster, the _____ Day of _____
 in the _____ Year of [*Her*] Reign, and Anno Domini 18 _____.

Whereas in the Matter of the Joint Stock Companies Wind-
 ing-up Act, 1848, and of the _____ Company, [*X.Y.*], One
 of the Masters of the High Court of Chancery charged with the
 winding up of the said Company, has by Order dated _____
 appointed the said [*M.N.*] Official Manager of the said Com-
 pany, and has approved of the said [*Sir O.P.*, *Baronet*, *Q.R.*,
S.T., *V.W.*, and *X.Z.*] to be his Sureties in the Amounts set
 opposite to their respective Names in the Schedule hereto: Now
 the Condition of the above-written Recognizance is such, that if
 the said [*M.N.*], his Executors or Administrators, or any of
 them, do and shall duly account for what he shall receive as
 Official Manager of the said Company, at such Periods and in
 such Manner as the said Master shall appoint, and pay the same
 as the said Master hath already directed or shall hereafter direct,
 then the said Recognizance to be void, otherwise to remain in
 full force and virtue.

SCHEDULE.

[*Same as that to Order appointing Manager and Sureties, with
 the Addition of the Name of the Official Manager, and of the
 Amount of his Recognizance.*]

7. *Summons for Party or Witness to attend before Master.*

In the Matter of the Joint Stock Companies Winding-up Act,
 1848, and of _____ the _____ Company.

These are to will and require you and every of you to whom
 this Summons is directed personally to be and appear before me

 [*X.Y.*],

[X.Y.], the Master of the High Court of Chancery charged with the winding up of the said Company, on the Day of next, at o'Clock in the Forenoon, at my Chambers in Southampton Buildings, Chancery Lane, London, then and there to be examined before me, pursuant to the Statute in that Case made and provided: [And also that you bring with you, and produce at the Time and Place aforesaid, a certain Indenture [*describe Documents*], and all other Books, Papers, Deeds, and Writings, and other Documents, in your Custody, Possession, or Power, in anywise relating to or other the Affairs of the said Company]: And hereof fail not at your Peril. Given under my Hand this Day of 18 .

To

[X.Y.]

8. Master's Warrant.

In the Matter of the Joint Stock Companies Winding-up Act 1848, and of the Company.

I appoint next, at o'Clock in the noon, at my Chambers in Southampton Buildings, Chancery Lane, London, to consider [the under-mentioned Application], at which Time and Place all Parties concerned are to attend [and Notice hereof is to be given to A.B., &c.]

Dated the Day of 184 .

9. Order for Production and Deposit of Books, &c.

[Monday] the Day of 18 .

In the Matter of the Joint Stock Companies Winding-up Act, 1848, and of the Company.

I [X.Y.], the Master of the High Court of Chancery charged with the winding up of this Company, do order, That [A.B.] do, on or before the Day of next, or within Days after Service hereof, produce and leave with me [or with the Official Manager of this Estate], at [my Chambers in Southampton Buildings, Chancery Lane], a certain Indenture [*describe it*], and also all Deeds, Books, Papers, and Writings in his Custody, Possession, or Power in anywise relating to the Affairs or Estate of the said Company.

10. Master's Direction to Official Manager to bring Action against different Debtors to Company.

In the Matter of the Joint Stock Companies Winding-up Act, 1848, and of the Company.

I [X.Y.], the Master, &c., on Application this Day made to me by [A.B.], the Official Manager, do hereby authorize

authorize and direct the said [A.B.] to proceed by Act of Law against the under-mentioned Parties for the Sums set opposite to their respective Names:

[G.]	-	-	-	-	-	£
[H.]	-	-	-	-	-	-
[I.]	-	-	-	-	-	-

11. Order for Payment of Balance by Contributors.

[Tuesday] the _____ Day of _____
In the Matter of the Joint Stock Companies Winding-up
1848, and of _____ the _____ Company.

I [X.Y.], the Master, &c., do order, That the several Parties named in the Schedule hereto do forthwith pay to the Official Trustee of this Company the several Sums of Money set opposite their respective Names in the said Schedule, such several Sums being the Balances respectively now owing due from the said several Parties on their respective Accounts with the said Company.

12. Advertisement for Creditors.

In the Matter of the Joint Stock Companies Winding-up
1848, and of _____ the _____ Company.

Notice is hereby given, That all Parties claiming to be Creditors of this Company are to come in and prove their Debts before [X.Y.], the Master of the High Court of Chancery, charged with the winding up of the said Company, at his Chambers in Southampton Buildings, Chancery Lane; and that if they shall so come in they will be precluded from commencing or prosecuting any Proceeding for Recovery of their Debts against the said Company.

13. Advertisement that the Master is settling List of Contributors.

In the Matter of the Joint Stock Companies Winding-up
1848, and of _____ the _____ Company.

By Direction of [X.Y.], the Master of the High Court of Chancery charged with the winding up of this Company, it is hereby given, That the said Master will proceed on _____ next, at _____ o'Clock in the Forenoon, at his Chambers in Southampton Buildings, Chancery Lane, London, to settle the List of Contributors of this Company; and that after the said List shall have been settled no Party affected thereby shall be allowed to dispute the same, without Leave of the High Court of Chancery first obtained.

14. *Advertisement of intended Call.*

In the Matter of the Joint Stock Companies Winding-up Act,
1848, and of the Company.

Direction of [X.Y.], the Master of the High Court of
Chancery charged with the winding up of this Company, Notice
being given, That the said Master purposes on
at o'Clock in the Forenoon, at his Chambers in
Southampton Buildings, Chancery Lane, London, to proceed to
make a Call on all the Contributories of the said Company [or
on some special or particular Class of them, *as the Case may be*,
on all those Contributories of the said Company who,
having once been Shareholders, had sold or transferred their
Shares within Three Years previous to the Day
18], and that the Master purposes that such
Call shall be for £ per Share.

Persons interested are entitled to attend at such Day,
Time, and Place, to offer Objections to such Call.

15. *General Order in making Call.*

[Tuesday] the Day of

In the Matter of the Joint Stock Companies Winding-up Act,
1848, and of the Company.

[X.Y.], the Master of the High Court of Chancery charged
with the winding up of this Company, do peremptorily order,
that a Call of [One Pound] per Share be made on all the
Contributories of this Company [*or as the Case may be*]; and I
do peremptorily order each Contributory, on the Day
at o'Clock in the Forenoon, at [my
Chambers in Southampton Buildings, Chancery Lane, London],
to pay to the Official Manager of this Company the Balance, if
any, which will be due from him, after debiting his Account in
the Company's Books with such Call.

16. *Order for Issues.*

[Wednesday] the Day of 18 .

In the Matter of [&c., *as before*].

[X.Y.], the Master of the High Court of Chancery charged
with the winding up of this Company, being desirous of having
the following Questions of Fact decided by a Jury; namely,
whether, &c. second, whether,

do order as follows; (that is to

I order that a Writ of Summons be issued out of Her
Majesty's Court of at Westminster by [A.B.]
at [C.D.], pursuant to the Provisions of the Statute in that
respect made and provided; and I do order that the Parties pro-
ceed to a Trial under the said Writ of Summons at the next

or after the Conviction of the principal Felon, or may be indicted and convicted of a substantive Felony whether the principal Felon shall or shall not have been previously convicted or shall or shall not be amenable to Justice, and may thereupon be punished in like Manner as any Accessory after the Fact to the same Felony if convicted as an Accessory may be punished; and the Offence of such Person, howsoever indicted, may be inquired of, tried, determined, and punished by any Court which shall have Jurisdiction to try the principal Felon in the same Manner as if the Act by reason of which such Person shall have become an Accessory had been committed at the same Place as the principal Felony: Provided always, that no Person who shall be once duly tried for any such Offence, whether as an Accessory after the Fact or as for a substantive Felony, shall be liable to be again indicted or tried for the same Offence.

III. 'And whereas, according to the present Practice of Courts of Criminal Jurisdiction, it is not permitted in an Indictment for stealing Property to add a Count for receiving the same Property knowing it to have been stolen, or in an Indictment for receiving stolen Property knowing it to have been stolen to add a Count for stealing the same Property, and Justice is hereby often defeated: Be it therefore enacted, That from and after the passing of this Act, in every Indictment for feloniously stealing Property it shall be lawful to add a Count for feloniously receiving the same Property knowing it to have been stolen, and in any Indictment for feloniously receiving Property knowing it to have been stolen it shall be lawful to add a Count for feloniously stealing the same Property; and where any such Indictment shall have been preferred and found against any Person, the Prosecutor shall not be put to his Election, but it shall be lawful for the Jury who shall try the same to find a Verdict of Guilty, either of stealing the Property or of receiving it knowing it to have been stolen; and if such Indictment shall have been preferred and found against Two or more Persons it shall be lawful for the Jury who shall try the same to find all or any of the said Persons guilty either of stealing the Property or of receiving it knowing it to have been stolen, or to find one or more of the said Persons guilty of stealing the Property, and the other or others of them guilty of receiving it knowing it to have been stolen.

As to Additions of Counts in Indictments for stealing and receiving stolen Property.

IV. 'And whereas a Failure of Justice frequently takes place in Criminal Trials by reason of Variances between Writings produced in Evidence and the Recital or setting forth thereof in the Indictment or Information, and the same cannot now be amended at the Trial, except in Cases of Misdemeanor: For Remedy thereof be it enacted, That it shall and may be lawful for any Court of Oyer and Terminer and General Gaol Delivery, if such Court shall see fit so to do, to cause the Indictment or Information for any Offence whatever, when any Variance or Variances shall appear between any Matter in Writing or in Print produced in Evidence and the Recital or setting forth thereof in the Indictment or Information

Courts of Oyer and Terminer may cause Indictments to be amended.

whereon the Trial is pending, to be forthwith amended in Particular or Particulars by some Officer of the Court, and such Amendment the Trial shall proceed in the same Manner in all respects, both with regard to the Liability of Witnesses indicted for Perjury and otherwise, as if no such Variations or Variances had appeared.

Not to extend
to Scotland.

Act may be
amended, &c.

V. Provided always, and be it enacted, That nothing in this Act contained shall extend to *Scotland*.

VI. And be it enacted, That this Act may be amended, repealed by any Act to be passed in this Session of Parlia-

CAP. XLVII.

An Act for the Protection and Relief of the destitute Poor evicted from their Dwellings in *Ireland*.

[14th August 1845]

After passing
of Act no Writ,
&c. for taking
possession of
Land in Ireland
shall be exe-
cuted on the
Days or within
the Times
herein men-
tioned.

Notice of Exe-
cution of Writ
to be given by
Landowner, &c.
to the Reliev-
ing Officer of
the Electoral
Division in
which the same
shall be situate.

Notice how to
be given.

‘ WHEREAS it is expedient to regulate the Time of executing Process for taking possession of Land, and to provide for the better Relief of the destitute Poor evicted from their Dwellings in *Ireland* :’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act no Writ of Habere facias possessionem, Decree, Order, or other Process for the delivering up or taking possession of Land in *Ireland* shall be executed on any *Christmas Day* or *Good Friday*, or on any Day within the Time after the Commencement of the Session of the Court, or on any Day next before Sunset, and before Sunrise, or Six o’Clock in the Morning, whichever shall be latest.

II. And be it enacted, That not less than Forty-eight Hours before any such Writ, Decree, Order, or Process as aforesaid for delivering up or taking possession of Land on which there shall be any inhabited Dwelling House, or Building used as a Dwelling House, shall be executed in any County in *Ireland*, the owner or other Person by whom or on whose Behalf such Process as aforesaid shall have been issued, or his Agent, shall give Notice in Writing to the Relieving Officer of the Electoral Division in which such Land shall be situate, and such Notice shall set forth the Parish or Barony, Electoral Division, and Townland in which the Land of which Possession is so to be delivered up or taken is situate.

III. And be it enacted, That every Notice to be given under this Act shall be given by delivering the same to such Relieving Officer, or by leaving the same, directed to such Relieving Officer, at his Dwelling House or Office, or by Letter sent by the Post directed to the Relieving Officer at such Dwelling House or Office ; and in case the same shall be so sent by the Post, such Notice shall be delivered directed open and in Duplicate, to the Postmaster of any Post Office in which the Postmaster shall compare the Notice and the Dupli-

and on being satisfied that they are alike shall forward one of them to its Address by the Post, and shall return the other to the Party bringing the same, stamped with the Stamp of the said Post Office; and such Postmaster shall be entitled to have and receive from the Person delivering such Letter the Rate of Postage payable for the same, and the Sum of Sixpence, and no more; and such stamped Duplicate shall be Evidence of the Notice having been given on the Day on which such Notice would in the ordinary Course of Post have been delivered at such Dwelling House or Office of the Relieving Officer.

IV. And be it enacted, That it shall be lawful for Persons who shall become destitute by reason of their being dispossessed or removed of or from any Dwelling House, or other Building used as a Dwelling House, by or under such Writ, Decree, Order, or other Process as aforesaid, to apply for Relief to the Relieving Officer of the Electoral Division in which the said Land or House shall be situate; and such Relieving Officer shall, on the Receipt of such Application, take Order for providing Shelter for any such Applicants, being destitute Persons, by an Order of Admission into the Workhouse of the Union, if there be Room therein, by conveying any such destitute poor Person thereto, if necessary, or by affording such destitute poor Persons temporary Relief in Food, Lodging, Medicine, or Medical Attendance until the next ordinary Meeting of the Board of Guardians, at which Meeting he shall report the Case and the Nature and Cost of the Relief so afforded, in such Form and Manner as the Poor Law Commissioners shall prescribe, and after such Report shall give no further Relief otherwise than by Direction of the Board of Guardians in the Case so reported; and the Guardians shall furnish the Relieving Officer with Funds for affording such Relief, in the same Manner and subject to the same Rules and Conditions as are or may be provided for all other Relief granted by the Relieving Officer under and by virtue of an Act passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to make further Provision for the Relief of the destitute Poor in Ireland*; and it shall be lawful for such Guardians, if they shall think fit, to provide every such destitute poor Person with Relief to the same Extent as destitute poor Persons permanently disabled from Labour by reason of old Age, Infirmary, or bodily or mental Defect, are by Law entitled to Relief in *Ireland*: Provided always, that it shall not be lawful for the Guardians to relieve such destitute poor Persons after the Period of One Calendar Month from the Date of such temporary Relief as aforesaid being afforded, except in the Manner by which such poor Persons could be relieved under the Acts now in force for the Relief of the destitute Poor in *Ireland*.

V. And be it enacted, That in case there shall be upon any Land of which Possession is to be delivered up or taken under such Writ, Decree, Order, or Process as aforesaid, any inhabited Dwelling House, or Building used as a Dwelling House, the Occupier of which shall not have received Notice as a Tenant for

Persons becoming destitute by being dispossessed may apply to Relieving Officer, who shall provide Shelter, &c.

10 Vict. c. 31.
s. 8.

Relief not to be given after One Month, except under Acts for Relief of destitute Poor.

Notice to be given where an Occupier of a Dwelling House has not had Notice in the Action, &c.

	other Instrument, is made re-purchaseable on Payment of a Sum of Money; and the Word "Incumbrancer" shall
" Incumbrancer."	any Person entitled to such Incumbrance, or entitled to receive the Payment or Discharge thereof; and the Word " Possession."
" Possession."	shall include the Receipt of the Rents and Profits; and the Word " Owner."
" Owner."	Word " Owner," as applied to any Land, shall include any Person entitled in possession in Fee Simple or in Tail, or in Tail, and any Person entitled in possession for a Life or Lives, or for a Term of Years determinable on the dropping of Life or Lives; or for a Term of Years of which not less than Ninety-nine Years are unexpired, not being a Lessee at a Rent, and also any Person entitled in possession as Tenant by the Curtesy, whether at Law or in Equity, and any Person entitled in possession to the Equity of Redemption or the Property subject to the Incumbrance, or to a Trust for Payment of the Incumbrance, in any Land, whether in Fee or for any other Estate as aforesaid, and any Feoffees or Trustees for charitable or other Purposes, entitled in possession; and the Word " Owner."
" Owner."	as applied to a Lease in perpetuity or other Lease, shall include any Person entitled in possession to the Land comprised in such Lease, or for any derivative Estate (created by Settlement or testamentary or other Disposition thereof), quasi in Tail, for Life or Lives, or for Years determinable on the dropping of a Life or Lives, or for Years of which not less than Ninety Years are unexpired, not being an Underlease at a Rent charged out of such Lease, and any Person entitled in possession to the Equity of Redemption or the Property subject to the Incumbrance, or to a Trust for Payment of the Incumbrance, in such Lease in perpetuity or other Lease absolutely, or for any such derivative Estate as aforesaid; and the Word " Person" and
" Person" and " Owner."	and the Word " Owner" shall extend to a Body Politic or corporate as well as to an Individual; and the Word " Month."
" Month."	shall mean Calendar Month; and the Word " Court."
" Court."	shall mean the High Court of Chancery in <i>Ireland</i> ; and the Word " Master."
" Master."	" Master" shall mean the Master for the Time being having the Conduct of the Reference; and every Word importing the Singular Number only shall extend to several Persons or Things, and every Word importing the Plural Number shall apply to One Person or Thing; and every Word importing the masculine Gender only shall extend to a Female; and Words importing Sale and selling shall include the carrying into execution any Contract for a Sale under the Provisions of this Act, where any Act is authorized or directed to be done by or on behalf of any Person, or any Consent is authorized to be given by any Person, such Act or Consent may be done or given by the Guardian of such Person being an Infant, or by the Committee of the Estate of such Person being an Idiot or Lunatic, or by the Husband of such Person being a married Woman (except that a married Woman entitled to any Land, Estate, or Incumbrance for her separate Use for Life, or for any greater Estate, with or without Power of Anticipation, shall for the Purpose

Purposes of this Act be considered as a Feme Sole); and this Act shall operate as well with respect to any Estate or Incumbrance created before the passing of this Act as with respect to any Estate or Incumbrance to be hereafter created.

II. And be it enacted, That where any Land in *Ireland* shall be subject to any Incumbrance it shall be lawful for the Owner of such Land to contract (subject to the Approbation of the Court) for the Sale thereof, freed from all Incumbrances, and such Sale, if approved by the Court, shall be carried into effect under the Provisions of this Act; and that any such Owner, or any Person being the first Incumbrancer on any such Land, or any Person being an Incumbrancer on any such Land in possession of the Title Deeds and Writings relating thereto, without having so contracted, may apply to the Court for the Sale of such Land under the Provisions of this Act.

Where Land, &c. in *Ireland* is subject to Incumbrance, Owner may, subject to Approbation of Court, contract to sell the same.

III. And be it enacted, That for the Purposes of this Act the Land shall not be deemed subject to an Incumbrance unless the same shall affect a Term of not less than Fifty Years absolute unexpired, or a greater Estate in such Land, nor unless such Incumbrance shall have been created by the Owner of an Estate of Inheritance, but an Incumbrance charged under a Power created by the Owner of an Estate of Inheritance shall be deemed to have been created by such Owner.

Lands not deemed subject to Incumbrance unless same affect a Term of not less than 50 Years unexpired, &c.

IV. And be it enacted, That where any Lease in perpetuity of Land in *Ireland*, or any Lease of Land in *Ireland* for a Term whereof not less than Sixty Years shall be unexpired at the Time of such Application as herein-after mentioned, shall be subject to any Incumbrance, it shall be lawful for the Owner of such Lease in perpetuity or other Lease as aforesaid to contract, subject to the Approbation of the Court, for the Sale thereof, freed from all Incumbrances, and such Sale, if approved by the Court, shall be carried into effect under the Provisions of this Act; and that any such Owner of a Lease in perpetuity or other Lease as aforesaid, and also any Person being the first Incumbrancer on any such Lease in perpetuity or other Lease as aforesaid, or any Person being an Incumbrancer on any such Lease in perpetuity or other Lease as aforesaid, and being in possession of the Title Deeds and Writings relating thereto without having so contracted, may apply to the Court for the Sale of such Lease in perpetuity or other Lease as aforesaid under the Provisions of this Act.

Where Leases in perpetuity and long Terms subject to Incumbrance, Owner may, subject to Approbation of Court, sell the same.

V. And be it enacted, That, as well for the Purposes aforesaid as for the Purposes of Sales without the Order of the Court, and for the other Purposes of this Act, such Lease in perpetuity or other Lease as aforesaid shall not be deemed subject to an Incumbrance where the same shall affect a derivative Estate or Interest only, or less than the whole Estate created or agreed to be created by such Lease in perpetuity or other Lease as aforesaid unless such Incumbrance shall have been created by the Owner of or Person entitled to the whole Estate created or agreed to be created by such Lease in perpetuity or other Lease as aforesaid, but any Incumbrance charged under a Power created

Leases in perpetuity, &c. to be subject to Incumbrances only in certain Cases.

created by the Owner of or Person entitled to such whole Estate as aforesaid shall be deemed to have been created by such Owner or Person so entitled.

Owner, &c.
having con-
tracted for Sale
may apply to
the Lord Chan-
cellor of Ireland
to confirm the
Sale or Contract
for Sale.

VI. And be it enacted, That every such Owner having contracted for Sale as aforesaid, and every such Owner or such first or other Incumbrancer being desirous to sell as aforesaid, may apply by Petition in a summary Way to the Lord Chancellor of *Ireland* for the confirming and carrying into effect such Contract for Sale, or for the Sale of such Land or Lease, as the Case may be; and every such Petition, and every subsequent Petition and other Proceeding arising out of the same, shall be entitled "In the Matter of the Act to facilitate the Sale of Incumbered Estates in *Ireland*," *ex parte* the Person who shall have presented such Petition.

Petition to set
forth Incum-
brances, &c.,
and to be veri-
fied.

VII. And be it enacted, That every Petition for the confirming and carrying into effect such Contract for Sale, or for the Sale of such Land or Lease in perpetuity or other Lease as aforesaid, shall set forth the Estate or Interest of the Petitioner in such Land or Lease in perpetuity or other Lease as aforesaid, and the Uses or Limitations and the Trusts, if any, to which the Land or Lease stands limited or settled, and the Incumbrances and other Charges affecting the same respectively, including the Crown Rents and Quit Rents, if any, subject to which such Land or Lease is contracted or proposed to be sold, and such Petition shall be verified as the Court shall direct or approve.

Lord Chan-
cellor, &c. of
Ireland may
make Rules,
&c. for carrying
this Act into
effect.

VIII. And be it enacted, That it shall be lawful for the Lord Chancellor of *Ireland*, with the Advice and Consent of the Master of the Rolls in *Ireland*, from Time to Time to make any Rules or Orders which may be considered expedient for the better carrying this Act into effect, and for the Conduct of the Proceedings to be taken under this Act, and in order that the same may be done with the least Cost, and as speedily as may be consistent with a due Observance of the Provisions hereof, and also for fixing the Fees to be paid upon any Proceedings, and the Cost thereof, so that such Fees and Costs shall never exceed such as are or may be lawfully received on similar Matters: Provided always, that such Rules and Orders shall be laid before both Houses of Parliament within One Month from the making thereof, if Parliament be then sitting, or, if Parliament be not then sitting, within One Month from the Commencement of the then next Session of Parliament; and any Rule and Order so made shall from the making thereof for all Purposes be deemed and taken to be a general Rule and Order of the Court.

Rules, &c. to be
laid before
Parliament.

Lord Chan-
cellor, &c. may
alter Rules
from Time to
Time.

IX. Provided always, and be it enacted, That it shall be lawful for the Lord Chancellor of *Ireland*, with the Advice and Consent aforesaid, from Time to Time, in like Manner and subject to the like Provision as aforesaid, to make any Rules or Orders rescinding or altering any former Rules or Orders.

Upon Presenta-
tion of Petition
for Sale the

X. And be it enacted, That upon the Presentation of such Petition as aforesaid it shall be lawful for the Court, either by an

an *ex parte* Order or on Notice to such Parties as it may consider ought to have Notice, to refer it to One of the Masters of the Court to inquire as to the Estate or Interest (if any) of the Petitioner in such Land or Lease, and as to the Uses or Limitations and Trusts, if any, to which such Land or Lease stands limited or settled, and as to the Incumbrances and other Charges affecting the same (including as well such as are claimed by the Parties who shall come in under the said Order as all such others as shall appear from the Title Deeds or on Search or otherwise, as far as the same can be ascertained, and including also Debts and Incumbrances and other Charges due or belonging to Her Majesty, Her Heirs and Successors), and as to the Persons entitled under such Uses or Limitations and Trusts, and the Persons in whom such Incumbrances and Charges shall be vested, and as to the Order and Priority of such Incumbrances and Charges, and the Amount due thereon respectively, distinguishing Principal Monies from Interest, and making all just Allowances, and in case of a Mortgagee or other Creditor in possession taking all just Accounts, and with or without Rests, as shall be just, and as to the Value of the Land or Lease which shall have been contracted or shall be desired to be sold, and also whether any such Incumbrances or Charges shall affect any Land or Estate other than the Land or Lease which shall have been contracted or be desired to be sold, and whether such other Land or Estate shall be liable in priority or in equal Degree or in posteriority, and as to the Title to the Land or Lease contracted or desired to be sold, and to the Incumbrances, and as to the Expediency of Sale, and if a Part only of any incumbered Land or Lease shall have been contracted or be desired to be sold, whether such Part shall be proper to be sold, or to make such of the above Inquiries, and to make such other Inquiries relating to or affecting such Land or Lease, and the Incumbrances and Charges thereon, as the Court shall think requisite, and to report upon the same; and the Master shall have Authority to direct Searches to be made for Judgments, and Searches of the Registry, and in all other Places, and Inquiries as to the Identity of any Person or Property; and in such Report the Master may state any Circumstances specially as the Court shall direct or as he shall see fit; and the Master shall be at liberty, at his Discretion or by Order of the Court, to make a separate Report as to any of the Matters referred to him; and for any of the Purposes of this Act the said Court shall have Power to compel the Production before the Master of all Deeds and other Writings relating to any Property in question: Provided always, that no Incumbrancer, or other Person being in possession of any Title Deeds or Writings of or relating to any Property (and showing Right to hold the same as a Security for a Debt or Charge) or Lien shall be compellable to produce the same, unless or until it shall have been ascertained by the Report of the Master that the Money to be produced by the Sale of the Property, and applicable to the
Payment

Court may refer the same to a Master in Chancery, who shall inquire into the Particulars, and report.

Payment of such Debt or Charge, will be sufficient to pay the same; but such Incumbrancer or other Person shall, on the Order of the Court, furnish Copies or Abstracts of any such Deeds or Writings; and in every Case in which such Incumbrancer or other Person having Right as aforesaid shall be required to produce such Deeds or Writings, or to furnish such Copies or Abstracts, the reasonable Costs and Charges of such Production or such Copies or Abstracts as aforesaid shall be previously paid or tendered by the Party requiring the same, or otherwise as the Court shall direct; and all Orders for the Production and for the furnishing of Copies and Abstracts of any such Deeds or Writings may be made on Persons residing or being in *England*, or elsewhere out of the Jurisdiction of the Court; and all Notices to be given or served under any of the Provisions of this Act may be given and served in *England*, or elsewhere out of the Jurisdiction of the Court; and the Powers, Provisions, and Directions of an Act passed in the Forty-first Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for the more speedy and effectual Recovery of Debts due to His Majesty, His Heirs and Successors, in right of the Crown of the United Kingdom of Great Britain and Ireland, and for the better Administration of Justice within the same*, shall extend and be applied to all Orders to be made by the Court under this Act.

41 G. 3. c. 90.

Rules, &c. in force with respect to certain Proceedings for Payment of Incumbrances, &c. not inconsistent with this Act, shall apply to Proceedings under this Act. Court to apportion Costs as it may think fit.

XI. And be it enacted, That all the Laws, Rules, Orders, discretionary Powers, and Practice in force or which shall be in force with respect to Proceedings in the Court in a Suit for Foreclosure or Redemption of a Mortgage, or for Sale of Estates for Payment of Incumbrances or Debts, not being inconsistent with the Provisions of this Act, or with any Rule or Order to be made by the Lord Chancellor of *Ireland* as aforesaid, shall apply to the several Proceedings under this Act, so far as Circumstances will admit; and all such Proceedings by way or in the Nature of Further Directions and otherwise, in case of a Sale under this Act, shall and may be had and taken as in case of a Decree for Sale as aforesaid, so far as is consistent with the Provisions of this Act, and as Circumstances will admit; and in every Proceeding under this Act the Court shall (except in the Case herein-before mentioned and provided for) have full Power and Discretion as to the giving or withholding Costs and Expenses, and as to the Persons by whom and the Funds out of which the same shall in the first instance or ultimately be paid, repaid, and borne, and shall and may apportion the same amongst such Parties, and in respect of Interest or Principal, and in respect of Rents or Income and Corpus, as it shall see fit; and that under every Reference which shall be made to the Master under any of the Provisions of this Act he shall, so far as may be consistent with the Provisions of this Act, or with any Rule or Order to be made by the Lord Chancellor of *Ireland* as aforesaid, or with any special Order of the Court under this Act, proceed in like Manner and with the like Powers and Authorities in all respects, and all Orders and Proceedings of
and

and before the Master shall be enforceable in like Manner, as in case of a Reference made to the Master under such Decree as aforesaid, so far as Circumstances will admit; and all Persons who shall become Parties to any Proceedings under this Act, by contracting for the Purchase of any Land or Lease, or by making any Application to the Court, or by submitting to the Jurisdiction of the Court, or by attending before the Master in the course of such Proceedings, or by otherwise concurring in any such Proceedings, and the Representatives of such Persons, and all Persons claiming under them, by their Act or by Act of Law subsequent to their becoming subject, as next herein-after mentioned, shall for the Purposes of this Act be subject to the Jurisdiction of the Court, and to all Orders of the Court and of the Master, in the course of any such Proceedings, in like Manner and as fully as Parties to a Cause pending in the Court are subject to the Jurisdiction of the Court in such Cause.

All Persons becoming Parties to be subject to the Jurisdiction of the Court, &c.

XII. Provided always, and be it enacted, That it shall not be necessary for any Person thinking himself aggrieved by any Report of the Master to take Exceptions to such Report; but it shall be incumbent on all Persons Parties to Proceedings, or coming in before the Master, to carry in Objections, in the usual Manner and in the usual Cases, to the Draft of the Report, in case they shall think themselves aggrieved thereby; and any such Person omitting so to object in such Cases shall not afterwards be heard against the Report without special Leave of the Court; and every Proceeding before the Court under this Act shall be carried on by Petition or Motion in a summary Way, or as the Court may from Time to Time order; and Proceedings under this Act shall not abate nor be suspended by any Death, Transmission, or Change of Interest, except so far as it shall be deemed necessary for the carrying on of any such Proceedings that any Person not before the Court shall have Notice of or be required to attend such Proceedings.

Persons feeling aggrieved by Report of the Master not compelled to take Exceptions to the same.

XIII. And be it enacted, That in case of Death or Transmission or Change of Interest, and wherever, after the Presentation of a Petition for confirming and carrying into effect a Contract for Sale or for a Sale under this Act, the Direction of the Court shall be requisite for carrying on the Proceedings under the same, or for effecting the Objects thereof, or otherwise relative thereto, it shall be lawful for any Person interested in such Proceedings to apply to the Court for an Order for any such Purpose, and it shall be lawful for the Court to make such Order on any such Application as it shall see fit.

In case of Death, &c. Parties interested may apply to the Court to carry on Proceedings.

XIV. And be it enacted, That when, upon a Petition for confirming and carrying into effect a Contract for Sale, or applying for a Sale, any Reference shall have been made to the Master as aforesaid, he shall cause an Advertisement to be published at least once in Two successive Weeks in the *Dublin Gazette* and in such daily or other Journals or Newspapers in *Ireland* or *England*, or both, as the Master shall think fit,

When, upon a Petition, &c. a Reference shall have been made to the Master, he shall cause the same to be published by Advertisements.

stating the Name and Addition or Title of the Petitioner, and in case the Petitioner shall not be the Owner, the Name and Addition or Title of the Owner, and the Denomination or short Description of the Land or Lease contracted or desired to be sold, and the County wherein the same shall be situate, and any other Matters as the Master may think fit, and fixing a Day whereon the Master will enter upon the Consideration of the Matter referred to him, and requiring all Persons having Incumbrances to come in prove and them.

Error in Advertisement not to vitiate Proceedings.

XV. Provided always, and be it enacted, That no Error or Imperfection in any such Advertisement as aforesaid shall vitiate the Proceedings under any such Reference, unless the Court, upon Application made to the same, or otherwise in the course of Proceedings under such Reference, shall determine that it ought so to do.

Master, before proceeding, &c. shall cause Notice to be given to all Persons who shall appear to have Interest in the Subject of Inquiry.

XVI. And be it enacted, That the Master, before proceeding upon any of the Inquiries directed by any such Reference, and also from Time to Time under such Reference, or under any further Reference made to him in the same Matter, as and when by reason of any Interest appearing to exist in any of the Subjects of the Inquiries referred to him it shall seem to him fitting, shall cause Notice to be given, as and in such Form as he shall think proper, to all Persons who shall appear to him to have any Interest in any of the Subjects of such Inquiries, and whose Attendance before him shall appear proper, that he is about to proceed or that he is proceeding in the Matter of such Reference; and all Notices under this Act may be served out of the Jurisdiction of the Court, and it shall be lawful for the Court to direct substituted Service thereof in any Case in which it shall so think fit; and in case any Incumbrancer or Party interested, having been served with any such Notice, shall omit or neglect to appear in the Master's Office, or to file or carry in a Charge, it shall be lawful for the Court, on the Application of any Party, to make an Order in open Court on Motion of Course that such Incumbrancer or Party shall be bound by the Proceedings as if he had been a Party thereto, or such other Order as the Court shall think fit, and thereupon it shall be lawful to proceed notwithstanding the Absence of such Party; and if it shall appear to the Satisfaction of the Master that any Person to whom in his Judgment Notice ought to be given cannot be found, or cannot be in any Manner served with Notice, it shall be lawful for the Master to state in his Report the Name of such Person, and the Circumstances under which Notice was not or could not be given to him: Provided nevertheless, that after such Order made it shall be lawful for the Master at any Time in his Discretion to admit, and for the Court, on such Terms as it shall think proper, to order him to admit, any Party against whom such Order shall have been made to attend and proceed before him as if no such Order had been made: Provided also, that the Parties against whom such Order shall have been made shall not thereby be excluded from sharing in the Proceeds of such Sale, under the Direction of the

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the Court, or from any other Benefits of this Act, consistent with the full Effect of such Order, or with such Directions as the Court shall think proper at any Time to make.

XVII. And be it enacted, That from and after the passing of this Act it shall be lawful for any Person claiming any Interest in any Land or Lease in *Ireland* to enter a Caveat in the Office of the Registrar of the Court against the Sale of such Land or Lease, by Order of the Court or otherwise, under the Provisions of this Act; and in such Caveat shall be mentioned the Place of Abode of such Person, or some Place of Address at or to which Notices respecting such Sale may be served or sent; and such Person shall thereupon and thereby be entitled to and shall have and receive such Notice of all subsequent Proceedings to be taken upon any Reference under this Act relating to the Land or Lease mentioned in such Caveat or any Part thereof, as herein-after mentioned; (that is to say,) where the Place of Abode or Address mentioned in such Caveat shall be in the City of *Dublin* such Notice shall be served on such Person personally or left with some Inmate of such Place of Abode or Address, being of the Age of Sixteen Years or upwards, and where such Place of Abode or Address shall be elsewhere than in the City of *Dublin* such Notice shall be transmitted through the Post Office, addressed to such Person at such Place of Abode or Address.

Persons claiming an Interest in any Land, &c. may enter a Caveat in the Registrar's Office, and shall be thereby entitled to Notice.

XVIII. And be it enacted, That it shall be lawful for all Persons claiming any Interest in any of the Subjects of such Inquiries in the usual Manner to appear before the Master under any Reference under the Powers of this Act, and to claim to take a Part in the Proceedings under the Reference, or in any of them, and the Master shall have Power to determine what Parties shall and may attend before him and take a Part in the Proceedings under the Reference, or in any of them, and upon what Terms; and the Master in his Report under any such Reference shall state by what Persons he has been attended in such Proceedings, or in any of them, and also what (if any) Persons, and in respect of what Inquiries, he has prohibited from attending before him, and also what (if any) Persons shall after Notice to them as aforesaid have neglected or omitted to attend before him: Provided always, that no Omission of the Master to cause any such Notice as aforesaid to be given shall vitiate any Proceedings before the Master, unless the Court, upon Application made to the same, or otherwise, in the course of Proceedings in the Matter in which such Reference shall have been made, shall determine otherwise.

All Persons claiming under Reference to appear before the Master, who shall in his Report state by whom he has been attended, &c.

Omission of the Master to give Notice not to vitiate Proceedings.

XIX. Provided always, and be it enacted, That it shall be lawful for any Person whose Attendance before him the Master shall have disallowed, and also for any Person complaining of any Act or Proceeding of the Master in any Case not otherwise specially provided for, or requiring the Direction or Order of the Court in any Proceeding before the Master, to apply to the Court against such Disallowance, Act, or Proceeding, or for such Direction or Order, but so that no such Application com-

Persons who have been disallowed from attending before the Master, or complaining of any Certificate, &c., may apply to the Court against such Disallowance, &c.

plaining of any Disallowance, Act, or Proceeding of the Master shall, without special Leave of the Court, be made, unless within Fourteen Days after the Act or Proceeding complained of, if the Court be then sitting, and if the Court shall not be then sitting, unless Notice of such Intention to apply at the Sitting of the Court be given within Fourteen Days to the Party petitioning for such Sale as aforesaid.

Directions of this Act as to Proceedings to have the Force of Orders of the Court.

XX. And be it enacted, That all the Directions in this Act contained as to Proceedings before the Master and in Court shall have such and the same Force and Effect as if the same were Orders of the Court, and the Court shall have such and the same Powers and Authorities in relation to all such Proceedings, and in relation to the Costs of or incident thereto, as the Court would have if such Directions were Orders of the Court, and were not expressly contained herein.

When Incumbrance subject to Limitations, the first Person entitled, &c. is to make Application.

XXI. And be it enacted, That when any Incumbrance shall be subject to any Limitations of Estate or Interest, or shall be held upon any Trust, the first Person entitled to the Income of such Incumbrance, or the Trustee or other Person whom the Court may think fit, shall be the Person to make any Application or give any Consent under this Act in respect of such Incumbrance.

Where any Person shall be entitled to any Charge, &c. Master may treat such Charge as an Incumbrance.

XXII. And be it enacted, That where any Person who shall be entitled to any Charge not being an Incumbrance within the Meaning of this Act (including any such apportioned Charge as herein-after mentioned) shall be willing to accept a gross Sum in satisfaction of such Charge, it shall be lawful for the Master, if he shall think fit, to treat and to include in his Report such Charge as an Incumbrance within the Meaning of this Act; and that where any Land or Lease a Part only of which shall be contracted or desired to be sold shall be subject to any such Charge not being an Incumbrance as aforesaid, or to any Incumbrance from which the Land or Lease contracted or desired to be sold shall not be otherwise freed or discharged under the Provisions of this Act, it shall be lawful for the Master, if he shall see fit, to approve of the Part not contracted or desired to be sold of such Land or Lease being charged with such Charge or Incumbrance in exoneration of the Land or Lease contracted or desired to be sold, or to approve of an Apportionment of such Charge or Incumbrance between the Land or Lease to be sold and the Residue of the Land or Lease subject thereto, with the Consent in either Case of all Parties interested in the Part of such Land or Lease not contracted or desired to be sold, and to include such Matters in his Report: Provided nevertheless, that a Sale by Order of the Court may be made under this Act before all the Accounts of Incumbrances are taken, or the Rights of Incumbrancers ascertained, if the Court shall on special Application so direct.

As to the Sale of any Land, &c. a Part only of which shall be desired to be sold.

Report of the Master and all other Reports, &c. to be filed according to the

XXIII. And be it enacted, That the Report of the Master as to the Expediency of Sale, and all other Reports, Affidavits, Orders, and other Proceedings under this Act, shall, so far as consistent with the Provisions of this Act, or with any Rule or Order

Order of the Court or of the Lord Chancellor of *Ireland*, to be made as herein-before provided, be filed according to the Rules and Practice of the Court in Causes or Matters pending in the same, so far as such filing would, as to Matters of the like Nature, be thereby required, and as Circumstances will admit; and that at the Expiration of Fourteen Days after the filing of the Report, as to Parties who shall have appeared before the Master, and as to all other Persons at the Expiration of One Month after the filing of any Report approving of a Sale, if no Application shall be made or shall be pending before the Court, complaining of such Report, or of any Proceedings of the Master under the Reference under which such Report shall have been made, it shall be lawful for the Court, upon the Application of any Party interested in such Report, (and without the Attendance of Counsel, unless the Court shall see fit to direct such Attendance of Counsel,) to confirm the Report absolute, and to direct or authorize a Sale to be made by the Master, and that after Confirmation of such Report absolute it shall not be lawful for any Person to make any Application complaining of the same without special Leave of the Court.

Rules of the Court.

XXIV. And be it enacted, That any Order for Sale to be made by the Court under this Act may include the whole or any Part or Parts of the incumbered Land or Lease, and may provide that the Land or Lease, or the Part or Parts thereof to be sold, shall remain subject to any Incumbrance which the Court shall think fit; and such Order shall specify the Land or Lease, or the Part or Parts thereof which shall be directed or authorized to be sold, and also the Incumbrances and Charges (if any) to remain charged on the Land or Lease to be sold, and also the Incumbrances and Charges (if any) to remain charged on any Land or Lease, or Part or Parts thereof, not included in the Sale, and whether such Incumbrances and Charges respectively are to be charged on any such Land or Lease or Part thereof exclusively, or in common with any other Land or Lease or Part thereof, and whether with Priority of Charge, or Liability in respect of any such Land or Lease, or Part thereof, or otherwise, and all such other Matters incident to the Sale as the Court shall think fit.

Order for Sale may include the whole or Part of the incumbered Land, &c.

XXV. And be it enacted, That it shall be lawful for the Court to order the whole of any incumbered Land or Lease to be sold, although the Master shall have approved of the Sale of a Part thereof, or to order a further or other Part or further or other Parts thereof to be sold than what the Master shall have approved, and to alter or vary such Report, and the Plan or Scheme therein contained, and to confirm such Report, subject to such Variations, without any further Reference to the Master.

Court may order the whole of an Estate to be sold, although Master has approved of the Sale of a Part only.

XXVI. And be it enacted, That previously to making any Order for Sale it shall be lawful for the Court to make any Order of Confirmation of the Report nisi, and to direct Service of such Order on any Person or Persons, and also that it shall be lawful for the Court, in the course of any Proceedings under

Previously to making Order for Sale, Court may confirm the Report nisi, and direct Service of the same, &c.

this Act, to direct any Reference back or further Reference to the Master to review such Report or otherwise, and upon any Terms and with any Directions, as the Court shall think fit.

Assurance of Land sold to be made in such Form as the Master shall direct, &c., and to vest the Estate absolutely in the Purchaser.

XXVIL And be it enacted, That the Assurance of the Land or Lease sold by Order of the Court under this Act shall be made in such Form in all respects as the Master shall direct, and that the Master shall execute the same, and Execution thereof by any other Party shall not be necessary for the Validity thereof, nevertheless it shall be lawful for the Master to direct or authorize any other Persons to execute the same, for the Purpose of covenanting for Title, or for the Production of Title Deeds and Evidences, or otherwise; and the Assurance shall be made to the Purchaser, his Heirs, Executors, Administrators, and Assigns, as the Case may be, or as he shall direct; and in case the Assurance so executed shall be a Conveyance upon a Sale of Land under this Act the same shall be effectual to pass the Land thereby expressed to be conveyed, and the Fee Simple and Inheritance thereof, to the Uses and in manner therein limited and expressed, discharged from all former and other Estates, Rights, Titles, Charges, and Incumbrances whatsoever of Her Majesty, Her Heirs and Successors, and of all other Persons whomsoever, save and except such Charges and Incumbrances, if any, as shall be thereby excepted, or expressed to be or to remain charged upon such Land, and except also as herein-after provided; and in case such Assurance shall be a Conveyance or Assignment of a Lease in perpetuity or other Lease as aforesaid, such Assurance shall be effectual to pass the Estate created or agreed to be created by such Lease then remaining unexpired, subject to the Rent and Covenants annexed to the Reversion expectant on the Determination of such Lease, but discharged from all Rights, Titles, Charges, and Incumbrances whatsoever affecting the Leasehold Title or Interest, save and except such Charges and Incumbrances, if any, as shall be thereby excepted, or expressed to be or to remain charged upon such Leasehold Estate or Interest, and except also as herein-after provided.

Saving of Rights of Lessees, &c.

XXVIII. Provided always, and be it enacted, That no such Assurance as aforesaid shall prejudice or affect the Rights of any Lessee, Tenant, or Occupier in possession, nor the Rights of any Lessee or Under Lessee at a Rent, subject to whose Lease or Under Lease the petitioning Owner or Incumbrancer applying to the Court under this Act shall be an Owner or Incumbrancer, nor any Right of Common, nor any Right of Way or other Easement, nor any Rent-charge in lieu of Tithes, Crown Rent, or Quit Rent, charged upon or issuing out of any Land, except in respect of the apportioned Part, if any, of any such Rent-charge, Crown Rent, or Quit Rent from which the same shall be expressed to be discharged by such Conveyance under the Provisions herein contained.

Purchase Money arising on any Sale to be paid into the

XXIX. And be it enacted, That, subject as herein-after mentioned, the Purchase Money to arise on any Sale by Order of the Court under this Act shall be paid into the Bank of *Ireland*,

Ireland, in the Name and with the Privity of the Accountant General, to be placed to his Account there in the Matter of "The Act to facilitate the Sale of Incumbered Estates in *Ireland*," *ex parte* as aforesaid, to the Credit of the Matter of such Sale, or as the Court shall direct, and the same shall be paid out or applied in Payment of the Incumbrances which affected the Land or Lease from the Sale of which such Purchase Money shall have arisen, or otherwise, according to the Right of the Persons interested in such Land or Lease, by Order of the Court from Time to Time made upon Petition to be preferred in a summary Way by any Person entitled under the Provisions of this Act.

XXX. And be it enacted, That where any Land in *Ireland*, or any Lease in perpetuity of Land in *Ireland*, shall be subject to an Incumbrance or Incumbrances, it shall be lawful for the Owner of such Land or Lease, as the Case may be, without the Order of the Court under this Act, absolutely to sell such Land or Lease, or any Part thereof, and upon Payment of the Purchase Money into the Bank of *Ireland* in manner herein-after provided to convey such Land or Lease to the Purchaser, his Heirs, Executors, Administrators, or Assigns, or as he or they shall direct, unless after such Publication of Notice as herein-after directed such Sale or Conveyance shall be restrained by Order of the Court under the Provision herein-after contained.

Bank of Ireland.

Owner of Land subject to Incumbrances may sell without Order of the Court, unless restrained by Order after Publication of Notices.

XXXI. And be it enacted, That where any Land in *Ireland*, or any Lease in perpetuity of any Land in *Ireland*, shall be subject to an Incumbrance or Incumbrances, it shall be lawful for the Incumbrancer entitled to any such Incumbrance, in case the Principal Money owing on such Incumbrance shall be actually payable, or in case any Interest thereon shall be in arrear for Twelve Months or upwards, to give Notice in manner herein-after provided to the Owner of such Land or Lease, requiring him to discharge the Money due and payable on the Incumbrance of such Incumbrancer for Principal, Interest, and Costs, or to proceed to raise a Fund for the Discharge thereof by Sale under this Act; and in case such Owner shall not at the Expiration of Six Months after such Notice pay the Money then due and payable on such Incumbrance for Principal, Interest, and Costs, and shall not have published Notice by Advertisement as herein-after provided of his Intention to sell such Land or Lease, or a Part thereof sufficient for the Discharge of the Money due and payable on foot of such Incumbrance for Principal, Interest, and Costs under this Act, it shall be lawful for the Incumbrancer, without the Order of the Court under this Act, absolutely to sell such Land or Lease, as the Case may be, or any Part thereof, and upon Payment of the Purchase Money into the Bank of *Ireland* as herein-after provided to convey such Land or Lease to the Purchaser, his Heirs, Executors, Administrators, or Assigns, or as he or they shall direct, unless after such Publication of Notice as herein-after provided such Sale or Conveyance shall be restrained by Order of the Court under the Provision herein-after contained; and

Incumbrancer after Notice and Neglect of Owner may sell in like Manner.

created by the Owner of or Person entitled to such whole Estate as aforesaid shall be deemed to have been created by such Owner or Person so entitled.

Owner, &c.
having con-
tracted for Sale
may apply to
the Lord Chan-
cellor of Ireland
to confirm the
Sale or Contract
for Sale.

VI. And be it enacted, That every such Owner having contracted for Sale as aforesaid, and every such Owner or such other Incumbrancer being desirous to sell as aforesaid, may apply by Petition in a summary Way to the Lord Chancellor of *Ireland* for the confirming and carrying into effect such Contract for Sale, or for the Sale of such Land or Lease, as the Case may be; and every such Petition, and every subsequent Petition and other Proceeding arising out of the same, shall be entitled "In the Matter of the Act to facilitate the Sale of Incumbered Estates in *Ireland*," *ex parte* the Person who shall have presented such Petition.

Petition to set
forth Incum-
brances, &c.,
and to be veri-
fied.

VII. And be it enacted, That every Petition for the confirming and carrying into effect such Contract for Sale, or the Sale of such Land or Lease in perpetuity or other Lease as aforesaid, shall set forth the Estate or Interest of the Petitioner in such Land or Lease in perpetuity or other Lease as aforesaid, and the Uses or Limitations and the Trusts, if any, which the Land or Lease stands limited or settled, and the Incumbrances and other Charges affecting the same respectively including the Crown Rents and Quit Rents, if any, subject to which such Land or Lease is contracted or proposed to be sold, and such Petition shall be verified as the Court shall direct and approve.

Lord Chan-
cellor, &c. of
Ireland may
make Rules,
&c. for carrying
this Act into
effect.

VIII. And be it enacted, That it shall be lawful for the Lord Chancellor of *Ireland*, with the Advice and Consent of the Master of the Rolls in *Ireland*, from Time to Time to make any Rules or Orders which may be considered expedient for better carrying this Act into effect, and for the Conduct of Proceedings to be taken under this Act, and in order that the same may be done with the least Cost, and as speedily as may be consistent with a due Observance of the Provisions hereof, and also for fixing the Fees to be paid upon any Proceedings and the Cost thereof, so that such Fees and Costs shall not exceed such as are or may be lawfully received on similar Matters: Provided always, that such Rules and Orders shall be laid before both Houses of Parliament within One Month after the making thereof, if Parliament be then sitting, or, if Parliament be not then sitting, within One Month from the Commencement of the then next Session of Parliament; and any Rule and Order so made shall from the making thereof for all Purposes be deemed and taken to be a general Rule and Order of the Court.

Rules, &c. to be
laid before
Parliament.

Lord Chan-
cellor, &c. may
alter Rules
from Time to
Time.

IX. Provided always, and be it enacted, That it shall be lawful for the Lord Chancellor of *Ireland*, with the Advice and Consent aforesaid, from Time to Time, in like Manner and subject to the like Provision as aforesaid, to make any Rules or Orders rescinding or altering any former Rules or Orders.

Upon Presenta-
tion of Petition
for Sale the

X. And be it enacted, That upon the Presentation of such Petition as aforesaid it shall be lawful for the Court, either

an *ex parte* Order or on Notice to such Parties as it may consider ought to have Notice, to refer it to One of the Masters of the Court to inquire as to the Estate or Interest (if any) of the Petitioner in such Land or Lease, and as to the Uses or Limitations and Trusts, if any, to which such Land or Lease stands limited or settled, and as to the Incumbrances and other Charges affecting the same (including as well such as are claimed by the Parties who shall come in under the said Order as all such others as shall appear from the Title Deeds or on Search or otherwise, as far as the same can be ascertained, and including also Debts and Incumbrances and other Charges due or belonging to Her Majesty, Her Heirs and Successors), and as to the Persons entitled under such Uses or Limitations and Trusts, and the Persons in whom such Incumbrances and Charges shall be vested, and as to the Order and Priority of such Incumbrances and Charges, and the Amount due thereon respectively, distinguishing Principal Monies from Interest, and making all just Allowances, and in case of a Mortgagee or other Creditor in possession taking all just Accounts, and with or without Rests, as shall be just, and as to the Value of the Land or Lease which shall have been contracted or shall be desired to be sold, and also whether any such Incumbrances or Charges shall affect any Land or Estate other than the Land or Lease which shall have been contracted or be desired to be sold, and whether such other Land or Estate shall be liable in priority or in equal Degree or in posteriority, and as to the Title to the Land or Lease contracted or desired to be sold, and to the Incumbrances, and as to the Expediency of Sale, and if a Part only of any incumbered Land or Lease shall have been contracted or be desired to be sold, whether such Part shall be proper to be sold, or to make such of the above Inquiries, and to make such other Inquiries relating to or affecting such Land or Lease, and the Incumbrances and Charges thereon, as the Court shall think requisite, and to report upon the same; and the Master shall have Authority to direct Searches to be made for Judgments, and Searches of the Registry, and in all other Places, and Inquiries as to the Identity of any Person or Property; and in such Report the Master may state any Circumstances specially as the Court shall direct or as he shall see fit; and the Master shall be at liberty, at his Discretion or by Order of the Court, to make a separate Report as to any of the Matters referred to him; and for any of the Purposes of this Act the said Court shall have Power to compel the Production before the Master of all Deeds and other Writings relating to any Property in question: Provided always, that no Incumbrancer, or other Person being in possession of any Title Deeds or Writings of or relating to any Property (and showing Right to hold the same as a Security for a Debt or Charge) or Lien shall be compellable to produce the same, unless or until it shall have been ascertained by the Report of the Master that the Money to be produced by the Sale of the Property, and applicable to the

Court may refer the same to a Master in Chancery, who shall inquire into the Particulars, and report.

Payment of such Debt or Charge, will be sufficient to pay same; but such Incumbrancer or other Person shall, on Order of the Court, furnish Copies or Abstracts of any Deeds or Writings; and in every Case in which such Incumbrancer or other Person having Right as aforesaid shall be required to produce such Deeds or Writings, or to furnish Copies or Abstracts, the reasonable Costs and Charges of Production or such Copies or Abstracts as aforesaid shall be previously paid or tendered by the Party requiring the same, or otherwise as the Court shall direct; and all Orders for Production and for the furnishing of Copies and Abstracts of any such Deeds or Writings may be made on Persons residing or being in *England*, or elsewhere out of the Jurisdiction of the Court; and all Notices to be given or served under the Provisions of this Act may be given and served in *England* or elsewhere out of the Jurisdiction of the Court; and the Powers, Provisions, and Directions of an Act passed in the Forty-first Year of the Reign of His late Majesty King George the Third, intituled *An Act for the more speedy and effectual Recovery of Debts due to His Majesty, His Heirs and Successors in right of the Crown of the United Kingdom of Great Britain and Ireland, and for the better Administration of Justice with respect to the same*, shall extend and be applied to all Orders to be made by the Court under this Act.

41 G. 3. c. 90.

Rules, &c. in force with respect to certain Proceedings for Payment of Incumbrances, &c. not inconsistent with this Act, shall apply to Proceedings under this Act. Court to apportion Costs as it may think fit.

XI. And be it enacted, That all the Laws, Rules, Ordinances, and discretionary Powers, and Practice in force or which shall be in force with respect to Proceedings in the Court in a Suit for Foreclosure or Redemption of a Mortgage, or for Sale of Estate for Payment of Incumbrances or Debts, not being inconsistent with the Provisions of this Act, or with any Rule or Order made by the Lord Chancellor of *Ireland* as aforesaid, shall apply to the several Proceedings under this Act, so far as the Circumstances will admit; and all such Proceedings by way of Sale in the Nature of Further Directions and otherwise, in case of Sale under this Act, shall and may be had and taken as in and by a Decree for Sale as aforesaid, so far as is consistent with the Provisions of this Act, and as Circumstances will admit; and in every Proceeding under this Act the Court shall (except in the Case herein-before mentioned and provided for) have full Power and Discretion as to the giving or withholding Costs and Expenses, and as to the Persons by whom and the Funds out of which the same shall in the first instance or ultimately be repaid, and borne, and shall and may apportion the same among such Parties, and in respect of Interest or Principal, and in respect of Rents or Income and Corpus, as it shall see fit; and that under every Reference which shall be made to the Master under any of the Provisions of this Act he shall, so far as may be consistent with the Provisions of this Act, or with any Rule or Order to be made by the Lord Chancellor of *Ireland* as aforesaid, or with any special Order of the Court under this Act, proceed in like Manner and with the like Powers and Authorities in all respects, and all Orders and Proceedings

and before the Master shall be enforceable in like Manner, as in case of a Reference made to the Master under such Decree as aforesaid, so far as Circumstances will admit; and all Persons who shall become Parties to any Proceedings under this Act, by contracting for the Purchase of any Land or Lease, or by making any Application to the Court, or by submitting to the Jurisdiction of the Court, or by attending before the Master in the course of such Proceedings, or by otherwise concurring in any such Proceedings, and the Representatives of such Persons, and all Persons claiming under them, by their Act or by Act of Law subsequent to their becoming subject, as next herein-after mentioned, shall for the Purposes of this Act be subject to the Jurisdiction of the Court, and to all Orders of the Court and of the Master, in the course of any such Proceedings, in like Manner and as fully as Parties to a Cause pending in the Court are subject to the Jurisdiction of the Court in such Cause.

All Persons becoming Parties to be subject to the Jurisdiction of the Court, &c.

XII. Provided always, and be it enacted, That it shall not be necessary for any Person thinking himself aggrieved by any Report of the Master to take Exceptions to such Report; but it shall be incumbent on all Persons Parties to Proceedings, or coming in before the Master, to carry in Objections, in the usual Manner and in the usual Cases, to the Draft of the Report, in case they shall think themselves aggrieved thereby; and any such Person omitting so to object in such Cases shall not afterwards be heard against the Report without special Leave of the Court; and every Proceeding before the Court under this Act shall be carried on by Petition or Motion in a summary Way, or as the Court may from Time to Time order; and Proceedings under this Act shall not abate nor be suspended by any Death, Transmission, or Change of Interest, except so far as it shall be deemed necessary for the carrying on of any such Proceedings that any Person not before the Court shall have Notice of or be required to attend such Proceedings.

Persons feeling aggrieved by Report of the Master not compelled to take Exceptions to the same.

XIII. And be it enacted, That in case of Death or Transmission or Change of Interest, and wherever, after the Presentation of a Petition for confirming and carrying into effect a Contract for Sale or for a Sale under this Act, the Direction of the Court shall be requisite for carrying on the Proceedings under the same, or for effecting the Objects thereof, or otherwise relative thereto, it shall be lawful for any Person interested in such Proceedings to apply to the Court for an Order for any such Purpose, and it shall be lawful for the Court to make such Order on any such Application as it shall see fit.

In case of Death, &c. Parties interested may apply to the Court to carry on Proceedings.

XIV. And be it enacted, That when, upon a Petition for confirming and carrying into effect a Contract for Sale, or applying for a Sale, any Reference shall have been made to the Master as aforesaid, he shall cause an Advertisement to be published at least once in Two successive Weeks in the *Dublin Gazette* and in such daily or other Journals or Newspapers in *Ireland* or *England*, or both, as the Master shall think fit,

When, upon a Petition, &c. a Reference shall have been made to the Master, he shall cause the same to be published by Advertisements.

stating the Name and Addition or Title of the Petitioner, and in case the Petitioner shall not be the Owner, the Name and Addition or Title of the Owner, and the Denomination or short Description of the Land or Lease contracted or desired to be sold, and the County wherein the same shall be situate, and any other Matters as the Master may think fit, and fixing a Day whereon the Master will enter upon the Consideration of the Matter referred to him, and requiring all Persons having Incumbrances to come in prove and them.

Error in Advertisement not to vitiate Proceedings.

XV. Provided always, and be it enacted, That no Error or Imperfection in any such Advertisement as aforesaid shall vitiate the Proceedings under any such Reference, unless the Court, upon Application made to the same, or otherwise in the course of Proceedings under such Reference, shall determine that it ought so to do.

Master, before proceeding, &c. shall cause Notice to be given to all Persons who shall appear to have Interest in the Subject of Inquiry.

XVI. And be it enacted, That the Master, before proceeding upon any of the Inquiries directed by any such Reference, and also from Time to Time under such Reference, or under any further Reference made to him in the same Matter, as and when by reason of any Interest appearing to exist in any of the Subjects of the Inquiries referred to him it shall seem to him fitting, shall cause Notice to be given, as and in such Form as he shall think proper, to all Persons who shall appear to him to have any Interest in any of the Subjects of such Inquiries, and whose Attendance before him shall appear proper, that he is about to proceed or that he is proceeding in the Matter of such Reference; and all Notices under this Act may be served out of the Jurisdiction of the Court, and it shall be lawful for the Court to direct substituted Service thereof in any Case in which it shall so think fit; and in case any Incumbrancer or Party interested, having been served with any such Notice, shall omit or neglect to appear in the Master's Office, or to file or carry in a Charge, it shall be lawful for the Court, on the Application of any Party, to make an Order in open Court on Motion of Course that such Incumbrancer or Party shall be bound by the Proceedings as if he had been a Party thereto, or such other Order as the Court shall think fit, and thereupon it shall be lawful to proceed notwithstanding the Absence of such Party; and if it shall appear to the Satisfaction of the Master that any Person to whom in his Judgment Notice ought to be given cannot be found, or cannot be in any Manner served with Notice, it shall be lawful for the Master to state in his Report the Name of such Person, and the Circumstances under which Notice was not or could not be given to him: Provided nevertheless, that after such Order made it shall be lawful for the Master at any Time in his Discretion to admit, and for the Court, on such Terms as it shall think proper, to order him to admit, any Party against whom such Order shall have been made to attend and proceed before him as if no such Order had been made: Provided also, that the Parties against whom such Order shall have been made shall not thereby be excluded from sharing in the Proceeds of such Sale, under the Direction of the

the Court, or from any other Benefits of this Act, consistent with the full Effect of such Order, or with such Directions as the Court shall think proper at any Time to make.

XVII. And be it enacted, That from and after the passing of this Act it shall be lawful for any Person claiming any Interest in any Land or Lease in *Ireland* to enter a Caveat in the Office of the Registrar of the Court against the Sale of such Land or Lease, by Order of the Court or otherwise, under the Provisions of this Act; and in such Caveat shall be mentioned the Place of Abode of such Person, or some Place of Address at or to which Notices respecting such Sale may be served or sent; and such Person shall thereupon and thereby be entitled to and shall have and receive such Notice of all subsequent Proceedings to be taken upon any Reference under this Act relating to the Land or Lease mentioned in such Caveat or any Part thereof, as herein-after mentioned; (that is to say,) where the Place of Abode or Address mentioned in such Caveat shall be in the City of *Dublin* such Notice shall be served on such Person personally or left with some Inmate of such Place of Abode or Address, being of the Age of Sixteen Years or upwards, and where such Place of Abode or Address shall be elsewhere than in the City of *Dublin* such Notice shall be transmitted through the Post Office, addressed to such Person at such Place of Abode or Address.

Persons claiming an Interest in any Land, &c. may enter a Caveat in the Registrar's Office, and shall be thereby entitled to Notice.

XVIII. And be it enacted, That it shall be lawful for all Persons claiming any Interest in any of the Subjects of such Inquiries in the usual Manner to appear before the Master under any Reference under the Powers of this Act, and to claim to take a Part in the Proceedings under the Reference, or in any of them, and the Master shall have Power to determine what Parties shall and may attend before him and take a Part in the Proceedings under the Reference, or in any of them, and upon what Terms; and the Master in his Report under any such Reference shall state by what Persons he has been attended in such Proceedings, or in any of them, and also what (if any) Persons, and in respect of what Inquiries, he has prohibited from attending before him, and also what (if any) Persons shall after Notice to them as aforesaid have neglected or omitted to attend before him: Provided always, that no Omission of the Master to cause any such Notice as aforesaid to be given shall vitiate any Proceedings before the Master, unless the Court, upon Application made to the same, or otherwise, in the course of Proceedings in the Matter in which such Reference shall have been made, shall determine otherwise.

All Persons claiming under Reference to appear before the Master, who shall in his Report state by whom he has been attended, &c.

Omission of the Master to give Notice not to vitiate Proceedings.

XIX. Provided always, and be it enacted, That it shall be lawful for any Person whose Attendance before him the Master shall have disallowed, and also for any Person complaining of any Act or Proceeding of the Master in any Case not otherwise specially provided for, or requiring the Direction or Order of the Court in any Proceeding before the Master, to apply to the Court against such Disallowance, Act, or Proceeding, or for such Direction or Order, but so that no such Application complaining

Persons who have been disallowed from attending before the Master, or complaining of any Certificate, &c., may apply to the Court against such Disallowance, &c.

plainings of any Disallowance, Act, or Proceeding of the Master shall, without special Leave of the Court, be made, unless within Fourteen Days after the Act or Proceeding complained of, the Court be then sitting, and if the Court shall not be then sitting, unless Notice of such Intention to apply at the Sitting of the Court be given within Fourteen Days to the Party petitioning for such Sale as aforesaid.

Directions of this Act as to Proceedings to have the Force of Orders of the Court.

XX. And be it enacted, That all the Directions in this Act contained as to Proceedings before the Master and in relation thereto shall have such and the same Force and Effect as if they were Orders of the Court, and the Court shall have such and the same Powers and Authorities in relation to all such Proceedings, and in relation to the Costs of or incident thereto, as the Court would have if such Directions were Orders of the Court, and were not expressly contained herein.

When Incumbrance subject to Limitations, the first Person entitled, &c. is to make Application.

XXI. And be it enacted, That when any Incumbrance shall be subject to any Limitations of Estate or Interest, or shall be held upon any Trust, the first Person entitled to the Incumbrance, or the Trustee or other Person who the Court may think fit, shall be the Person to make any Application or give any Consent under this Act in respect of such Incumbrance.

Where any Person shall be entitled to any Charge, &c. Master may treat such Charge as an Incumbrance.

XXII. And be it enacted, That where any Person who is entitled to any Charge not being an Incumbrance within the Meaning of this Act (including any such apportioned Charge as herein-after mentioned) shall be willing to accept a gross Sum in satisfaction of such Charge, it shall be lawful for the Master, if he shall think fit, to treat and to include in his Report such Charge as an Incumbrance within the Meaning of this Act, and that where any Land or Lease a Part only of which shall be contracted or desired to be sold shall be subject to any Charge not being an Incumbrance as aforesaid, or to any Incumbrance from which the Land or Lease contracted or desired to be sold shall not be otherwise freed or discharged under the Provisions of this Act, it shall be lawful for the Master, if he shall see fit, to approve of the Part not contracted or desired to be sold of such Land or Lease being charged with such Charge or Incumbrance in exoneration of the Land or Lease contracted or desired to be sold, or to approve of an Apportionment of such Charge or Incumbrance between the Land or Lease contracted to be sold and the Residue of the Land or Lease subject to be sold, with the Consent in either Case of all Parties interested in the Part of such Land or Lease not contracted or desired to be sold, and to include such Matters in his Report: Provided, nevertheless, that a Sale by Order of the Court may be made under this Act before all the Accounts of Incumbrancers are taken, or the Rights of Incumbrancers ascertained, if the Court shall on special Application so direct.

As to the Sale of any Land, &c. a Part only of which shall be desired to be sold.

Report of the Master and all other Reports, &c. to be filed according to the

XXIII. And be it enacted, That the Report of the Master as to the Expediency of Sale, and all other Reports, Affidavits, Orders, and other Proceedings under this Act, shall, so far as is consistent with the Provisions of this Act, or with any Rule

Order of the Court or of the Lord Chancellor of *Ireland*, to be made as herein-before provided, be filed according to the Rules and Practice of the Court in Causes or Matters pending in the same, so far as such filing would, as to Matters of the like Nature, be thereby required, and as Circumstances will admit; and that at the Expiration of Fourteen Days after the filing of the Report, as to Parties who shall have appeared before the Master, and as to all other Persons at the Expiration of One Month after the filing of any Report approving of a Sale, if no Application shall be made or shall be pending before the Court, complaining of such Report, or of any Proceedings of the Master under the Reference under which such Report shall have been made, it shall be lawful for the Court, upon the Application of any Party interested in such Report, (and without the Attendance of Counsel, unless the Court shall see fit to direct such Attendance of Counsel,) to confirm the Report absolute, and to direct or authorize a Sale to be made by the Master, and that after Confirmation of such Report absolute it shall not be lawful for any Person to make any Application complaining of the same without special Leave of the Court.

Rules of the Court.

XXIV. And be it enacted, That any Order for Sale to be made by the Court under this Act may include the whole or any Part or Parts of the incumbered Land or Lease, and may provide that the Land or Lease, or the Part or Parts thereof to be sold, shall remain subject to any Incumbrance which the Court shall think fit; and such Order shall specify the Land or Lease, or the Part or Parts thereof which shall be directed or authorized to be sold, and also the Incumbrances and Charges (if any) to remain charged on the Land or Lease to be sold, and also the Incumbrances and Charges (if any) to remain charged on any Land or Lease, or Part or Parts thereof, not included in the Sale, and whether such Incumbrances and Charges respectively are to be charged on any such Land or Lease or Part thereof exclusively, or in common with any other Land or Lease or Part thereof, and whether with Priority of Charge, or Liability in respect of any such Land or Lease, or Part thereof, or otherwise, and all such other Matters incident to the Sale as the Court shall think fit.

Order for Sale may include the whole or Part of the incumbered Land, &c.

XXV. And be it enacted, That it shall be lawful for the Court to order the whole of any incumbered Land or Lease to be sold, although the Master shall have approved of the Sale of a Part thereof, or to order a further or other Part or further or other Parts thereof to be sold than what the Master shall have approved, and to alter or vary such Report, and the Plan or Scheme therein contained, and to confirm such Report, subject to such Variations, without any further Reference to the Master.

Court may order the whole of an Estate to be sold, although Master has approved of the Sale of a Part only.

XXVI. And be it enacted, That previously to making any Order for Sale it shall be lawful for the Court to make any Order of Confirmation of the Report nisi, and to direct Service of such Order on any Person or Persons, and also that it shall be lawful for the Court, in the course of any Proceedings under

Previously to making Order for Sale, Court may confirm the Report nisi, and direct Service of the same, &c.

this Act, to direct any Reference back or further Reference to the Master to review such Report or otherwise, and upon any Terms and with any Directions, as the Court shall think fit.

Assurance of
Land sold to be
made in such
Form as the
Master shall
direct, &c., and
to vest the Es-
tate absolutely
in the Pur-
chaser.

XXVII. And be it enacted, That the Assurance of the Land or Lease sold by Order of the Court under this Act shall be made in such Form in all respects as the Master shall direct, and that the Master shall execute the same, and Execution thereof by any other Party shall not be necessary for the Validity thereof, nevertheless it shall be lawful for the Master to direct or authorize any other Persons to execute the same, for the Purpose of covenanting for Title, or for the Production of Title Deeds and Evidences, or otherwise; and the Assurance shall be made to the Purchaser, his Heirs, Executors, Administrators, and Assigns, as the Case may be, or as he shall direct; and in case the Assurance so executed shall be a Conveyance upon a Sale of Land under this Act the same shall be effectual to pass the Land thereby expressed to be conveyed, and the Fee Simple and Inheritance thereof, to the Uses and in manner therein limited and expressed, discharged from all former and other Estates, Rights, Titles, Charges, and Incumbrances whatsoever of Her Majesty, Her Heirs and Successors, and of all other Persons whomsoever, save and except such Charges and Incumbrances, if any, as shall be thereby excepted, or expressed to be or to remain charged upon such Land, and except also as herein-after provided; and in case such Assurance shall be a Conveyance or Assignment of a Lease in perpetuity or other Lease as aforesaid, such Assurance shall be effectual to pass the Estate created or agreed to be created by such Lease then remaining unexpired, subject to the Rent and Covenants annexed to the Reversion expectant on the Determination of such Lease, but discharged from all Rights, Titles, Charges, and Incumbrances whatsoever affecting the Leasehold Title or Interest, save and except such Charges and Incumbrances, if any, as shall be thereby excepted, or expressed to be or to remain charged upon such Leasehold Estate or Interest, and except also as herein-after provided.

Saving of Rights
of Lessees, &c.

XXVIII. Provided always, and be it enacted, That no such Assurance as aforesaid shall prejudice or affect the Rights of any Lessee, Tenant, or Occupier in possession, nor the Rights of any Lessee or Under Lessee at a Rent, subject to whose Lease or Under Lease the petitioning Owner or Incumbrancer applying to the Court under this Act shall be an Owner or Incumbrancer, nor any Right of Common, nor any Right of Way or other Easement, nor any Rent-charge in lieu of Tithes, Crown Rent, or Quit Rent, charged upon or issuing out of any Land, except in respect of the apportioned Part, if any, of any such Rent-charge, Crown Rent, or Quit Rent from which the same shall be expressed to be discharged by such Conveyance under the Provisions herein contained.

Purchase
Money arising
on any Sale to
be paid into the

XXIX. And be it enacted, That, subject as herein-after mentioned, the Purchase Money to arise on any Sale by Order of the Court under this Act shall be paid into the Bank of
Ireland,

Ireland, in the Name and with the Privy of the Accountant General, to be placed to his Account there in the Matter of "The Act to facilitate the Sale of Incumbered Estates in *Ireland*," *ex parte* as aforesaid, to the Credit of the Matter of such Sale, or as the Court shall direct, and the same shall be paid out or applied in Payment of the Incumbrances which affected the Land or Lease from the Sale of which such Purchase Money shall have arisen, or otherwise, according to the Right of the Persons interested in such Land or Lease, by Order of the Court from Time to Time made upon Petition to be preferred in a summary Way by any Person entitled under the Provisions of this Act.

XXX. And be it enacted, That where any Land in *Ireland*, or any Lease in perpetuity of Land in *Ireland*, shall be subject to an Incumbrance or Incumbrances, it shall be lawful for the Owner of such Land or Lease, as the Case may be, without the Order of the Court under this Act, absolutely to sell such Land or Lease, or any Part thereof, and upon Payment of the Purchase Money into the Bank of *Ireland* in manner herein-after provided to convey such Land or Lease to the Purchaser, his Heirs, Executors, Administrators, or Assigns, or as he or they shall direct, unless after such Publication of Notice as herein-after directed such Sale or Conveyance shall be restrained by Order of the Court under the Provision herein-after contained.

XXXI. And be it enacted, That where any Land in *Ireland*, or any Lease in perpetuity of any Land in *Ireland*, shall be subject to an Incumbrance or Incumbrances, it shall be lawful for the Incumbrancer entitled to any such Incumbrance, in case the Principal Money owing on such Incumbrance shall be actually payable, or in case any Interest thereon shall be in arrear for Twelve Months or upwards, to give Notice in manner herein-after provided to the Owner of such Land or Lease, requiring him to discharge the Money due and payable on the Incumbrance of such Incumbrancer for Principal, Interest, and Costs, or to proceed to raise a Fund for the Discharge thereof by Sale under this Act; and in case such Owner shall not at the Expiration of Six Months after such Notice pay the Money then due and payable on such Incumbrance for Principal, Interest, and Costs, and shall not have published Notice by Advertisement as herein-after provided of his Intention to sell such Land or Lease, or a Part thereof sufficient for the Discharge of the Money due and payable on foot of such Incumbrance for Principal, Interest, and Costs under this Act, it shall be lawful for the Incumbrancer, without the Order of the Court under this Act, absolutely to sell such Land or Lease, as the Case may be, or any Part thereof, and upon Payment of the Purchase Money into the Bank of *Ireland* as herein-after provided to convey such Land or Lease to the Purchaser, his Heirs, Executors, Administrators, or Assigns, or as he or they shall direct, unless after such Publication of Notice as herein-after provided such Sale or Conveyance shall be restrained by Order of the Court under the Provision herein-after contained; and

Bank of Ireland.

Owner of Land subject to Incumbrances may sell without Order of the Court, unless restrained by Order after Publication of Notices.

Incumbrancer after Notice and Neglect of Owner may sell in like Manner.

where at the Expiration of such Six Months as aforesaid such Owner shall not have paid the Money due and payable on such Incumbrance as aforesaid, but shall have published Notice by Advertisement as herein-after provided of his Intention to sell such Land or Lease, or a sufficient Part thereof, and shall subsequently refuse or neglect to sell in pursuance of such Notice, it shall be lawful for the Court, upon the Application of such Incumbrancer, by Petition in a summary Way, to direct that such Incumbrancer shall have the Benefit of such Publication and Notice by Advertisement, and thereupon such Incumbrancer may sell in the same Manner as such Owner might have done, and the Conveyance by such Incumbrancer shall have the same Operation as a Conveyance by such Owner would have had under the Provisions herein-after contained, but except for the Purposes of this Provision such Sale and Conveyance by such Incumbrancer shall be deemed a Sale and Conveyance without the Order of the Court under this Act: Provided always, that no Incumbrancer shall sell as aforesaid, or give Notice as herein provided of his Intention so to do, unless the Principal Sum of Two hundred Pounds at the least shall be owing on his Incumbrance.

Where several Incumbrancers give Notice, the first of such Incumbrancers may sell.

XXXII. Provided always, and be it enacted, That where Incumbrancers entitled to more than One such Incumbrance as aforesaid shall have given several Notices to such Owner, and such Owner shall not have paid the Money due and payable on on such Incumbrances, and shall not have published Notice of his Intention to sell as aforesaid, or having published such Notice shall have subsequently refused or neglected to sell as aforesaid, such of the Incumbrancers by whom Notice shall have been given to such Owner as shall be entitled to the first Incumbrance in order of Priority of Charge shall have the Power of selling and conveying which One Incumbrancer giving Notice to the Owner would have had under the Provisions herein-before contained; but upon the Refusal or Neglect of the Incumbrancer entitled to such first Incumbrance to exercise such Power of selling as aforesaid, it shall be lawful for the Court, upon the Application by Petition in a summary Way of any other of the Incumbrancers who shall have given Notice to the Owner as aforesaid, to direct that the Incumbrancer so applying may exercise the Power of selling and conveying which might have been exercised by the Incumbrancer so refusing or neglecting under this Act; but, except for the Purposes of this Provision, a Sale and Conveyance in exercise of such Power shall be deemed a Sale and Conveyance without the Order of the Court under this Act.

Notices to Owners how to be given.

XXXIII. And be it enacted, That the Notice to be given by an Incumbrancer to an Owner as aforesaid shall be given in Writing to such Owner or left at his usual Place of Abode, or in case such Owner or his Place of Abode shall not be known to such Incumbrancer, or in case such Owner shall be out of the United Kingdom, or in case from any other Cause the Incumbrancer shall be unable to give such Notice, it shall be
lawful

lawful for such Incumbrancer to file an Affidavit in the Court showing his Inability to give such Notice as aforesaid, and thereupon it shall be lawful for the Court, upon the Application of such Incumbrancer, by Petition in a summary Way, to direct that such Notice shall be served upon such Owner wherever resident, or that Service thereof upon the known Solicitor and Land Agent of such Owner shall be deemed good Service thereof on such Owner, or to direct the Substitution of Service of such Notice in such Manner as to the Court shall seem fit.

XXXIV. Provided always, and be it enacted, That every Owner and every Incumbrancer who shall propose to sell any Land or Lease without the Order of the Court as aforesaid shall cause Notice of his Intention so to sell to be published at least once in Four successive Weeks by Advertisement in the *Dublin Gazette*, and in Two Newspapers published in *Dublin*, and in One Newspaper published or circulating in the County in which the Land shall be situate, and in the *London Gazette*, and shall cause a Copy of such Notice to be posted in One or both of such Two Weeks on the Church (if any), and on the Roman Catholic Chapel (if any), and where there shall be no such Church or Chapel on some public or conspicuous Place of the Parish, or of each of the Parishes in which the Land shall be situated, and on the Court where the Sessions of the Peace for the Division of a County at large or for the City or Town or County of a City or Town in which the Land shall be situated are usually holden; and where any Person shall have entered a Caveat in the Office of the Registrar against the Sale of any Land or Lease under the Provisions of this Act, every such Owner and Incumbrancer shall cause a Copy of such Notice to be served in One of such Weeks on such Person in manner herein-after mentioned; (that is to say,) where the Place of Abode or Address mentioned in such Caveat shall be in the City of *Dublin* shall cause such Copy to be served on such Person personally, or to be left with some Inmate of such Place of Abode or Address, and where such Place of Abode or Address shall be elsewhere than in the City of *Dublin* shall transmit such Copy through the Post Office, addressed to such Person at such Place of Abode or Address as aforesaid, and such Notice shall state the Name and Addition or Title of the Owner, and if the Sale shall be proposed to be made by an Incumbrancer the Name and Addition or Title of such Incumbrancer, and the Intention of such Owner or Incumbrancer, as the Case may be, to sell under the Provisions of this Act without the Order of the Court, and in case such Owner shall not be entitled absolutely to such Land or Lease, as the Case may be, or to the Equity of Redemption thereof, shall mention the Settlement, Will, or other Assurance under which he shall be Owner, and if such Sale shall be proposed to be made by an Incumbrancer shall mention the Incumbrance under which he shall be such an Incumbrancer, and in every Case shall state the Denomination or Sub-denomination or short Description of the Land or Lease proposed to be sold, and the County and the Barony or Parish or Place wherein such

Notices of proposed Sales without Order of the Court.

such Land or the Land comprised in such Lease shall be situate, and all the Incumbrances affecting such Land or Lease known to the Person proposing to sell the same, and any other Matters which may from Time to Time be directed or required by such Orders of the Court as herein-after mentioned; and no such Sale without Order of the Court shall be made under this Act before the Expiration of Three Months after the Publication of the last of such Advertisements as aforesaid, in the Computation of which Period of Three Months the Months of *September* and *October* shall be excluded; and it shall be lawful for any Incumbrancer upon or Person interested in the Land or Lease so proposed to be sold at any Time before the Expiration of such Three Months to apply to the Court by Petition to be preferred in a summary Way, and the Court, if it shall think fit, upon such Petition, having reference to the Amount and Nature of the Interests of the Person proposing to sell as aforesaid, and of the Incumbrancer or other Person so applying to the Court, and to all the Circumstances of such Land or Lease, and of the Incumbrance or Incumbrances affecting the same, may restrain the Person proposing to sell as aforesaid from proceeding with such proposed Sale, either as respects the whole of the Land or Lease proposed to be sold, or as respects any Part or Parts thereof, which it may appear to the Court improper or unnecessary to sell, or may require Security to be given to such Petitioner, or may give to such Petitioner the Conduct or Right of Supervision of the proposed Sale, so far as the Court may not restrain the same, or may make such Order in relation to such Petition and to Costs as the Court shall think fit; and it shall be lawful for the Lord High Chancellor of *Ireland*, with the Advice and Consent of the Master of the Rolls in *Ireland* to make from Time to Time Orders prescribing and regulating the Particulars to be included in the Notices of such proposed Sales, and such other Orders for or concerning such Notices, as shall appear necessary for ensuring the Knowledge by Incumbrancers and Persons interested of the Sales proposed to be made as aforesaid.

Where Land or Lease sold without Order of Court, Notice to be served personally on Persons having future Estates.

XXXV. Provided also, and be it enacted, That where the Owner of any Land which shall be proposed to be sold as aforesaid without Order of the Court shall not be entitled for an Estate of Inheritance in possession to such Land, the Owner or Incumbrancer who shall propose to sell such Land shall cause a Copy of such Notice of his Intention so to sell to be served personally, or in such Manner as under the Rules and Orders of the Court would be deemed equivalent to personal Service, on all Persons except such Owner having Estates in Remainder or other future Estates in such Land other than such Estates, if any, as may be subsequent to the first vested Estate of Inheritance therein; and where the Owner of any Lease which shall be proposed to be sold as aforesaid without Order of the Court shall not be entitled for the whole Estate created or agreed to be created by such Lease, the Owner or Incumbrancer who shall propose to sell such Lease shall cause a Copy of such Notice

Notice to be served personally, or in such Manner as aforesaid, on all Persons except such Owner having Remainders or future Estates in such Lease other than such Remainders or Estates, if any, as may be subsequent to the first vested Estate quasi in Tail therein; and such Notices shall be given before the Publication of such Notices by Advertisement as aforesaid; or where any such Person entitled to any such Remainder or future Estate, except as aforesaid, in such Land or Lease shall be Infant, Idiot, Lunatic, or a married Woman, a Copy of such Notice shall be so served on the Father or Guardian of any such Person being an Infant, or on the Committee of any such Person being an Idiot or Lunatic, or on the Husband of any such Person being a married Woman; and where any such Infant shall not have a Guardian, or the Father of such Infant shall be the Person proposing to sell, or where any such Idiot or Lunatic shall not have a Committee duly appointed, or where any Notice required by this Provision cannot be given, it shall be lawful for the Person proposing to sell to apply to the Court by Petition in a summary Way; and the Court, if it shall think fit, on such Petition, may order Notice to be given to any other Person, for and on behalf of such Infant, Idiot, or Lunatic, and in such Manner and within such Time as the Court may direct, or to direct any substituted Service of any such Notice as the Court may think fit; and every Person on whom such Notice shall be served on behalf of any such Infant, Idiot, or Lunatic shall have the like Powers of applying to the Court in relation to such proposed Sale as such Infant, Idiot, or Lunatic respectively would have had if free from Disability.

XXXVI. Provided always, and be it enacted, That no such Notice of an Intention to sell any Land or Lease as aforesaid shall prejudice or affect the Right of any Mortgagee or other Incumbrancer of or upon such Land or Lease to commence any Proceeding for Redemption, Foreclosure, or Sale, or other Proceedings at Law or in Equity, or the Right of any Mortgagee of such Land or Lease who shall have under his Security a Power of Sale which has arisen and may be exercised, to proceed to the Exercise of such Power of Sale at any Time before a Sale shall have been made under the Powers of this Act.

XXXVII. Provided also, and be it enacted, That no Land or Lease shall be sold under this Act without the Order of the Court, unless the Price at which the same shall be sold shall be equal to or exceed the Sums which a Surveyor appointed or authorized as herein-after mentioned shall certify in Writing to be the fair selling Value thereof; and it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors for the Time being of *Ireland* to appoint or authorize, as Occasion shall require, such and so many Surveyors as he or they may think fit, to act as Surveyors for the Purposes of this Act, and at pleasure to revoke any such Appointment or Authority; and such Surveyors may be so appointed or authorized to act throughout *Ireland*, or for any Counties, County, or Division mentioned in

Saving of the
Rights of Mort-
gagees.

No Land or
Lease sold
without Order
of the Court to
be sold below
selling Value
certified by
Surveyor ap-
pointed by Lord
Lieutenant.

in such Appointment or Authority; and every such Appointment or Authority shall be published in the *Dublin Gazette*.

Where required
by Caveat,
Notice to be
given of the
Price at which
Land or Lease
sold without
Order of the
Court is con-
tracted to be
sold.

XXXVIII. Provided also, and be it enacted, That where any Person having entered a Caveat under the Provision hereinbefore contained shall in such Caveat have signified his Desire that Notice be given to him of the Price at which any Sale shall be made of the Land or Lease in case of a Sale thereof without the Order of the Court, the Owner or Incumbrancer who shall sell as aforesaid shall, forthwith after entering into any Contract for Sale, and before the filing of such Affidavit as hereinafter mentioned, give notice in manner aforesaid to the Person who shall have entered such Caveat of the Price at which such Land or Lease, or any Part thereof, shall have been contracted to be sold.

Affidavit to be
filed.

XXXIX. And be it enacted, That where any Land or Lease shall be sold under this Act without the Order of the Court, the Owner or Incumbrancer by whom such Sale shall be made shall file an Affidavit in the Court, which shall be made by such Owner or Incumbrancer, as the Case may be, and his Solicitor; and such Affidavit shall set forth the Notice which shall have been published by Advertisement and otherwise as aforesaid of such Sale, and shall state the Dates of the several Publications of such Notice by Advertisement, and shall also state that to the best of the Knowledge and Belief of the Deponents such Notice has been otherwise published and given as directed by this Act, and shall state whether the whole or what Part or Parts of the Land or Lease described in such Notice shall have been sold, and to whom, and shall state the Amount of the Purchase Money thereof, and the Person by whom the same is to be paid, and that the Purchase Money was the best Price that could be reasonably gotten at the Time of such Sale, and shall state the Sum which shall have been certified by a Surveyor appointed or authorized as aforesaid to be the fair selling Value thereof, and, if a Part or Parts only of the Land or Lease shall have been sold, shall sufficiently describe the same by the Description by which the same shall have been sold and conveyed, or shall be intended to be conveyed; and the Deponents in such Affidavit shall declare that such Land or Lease, or the Part or Parts thereof so sold, has or have been so sold without Fraud, for the Purpose of discharging an Incumbrance or Incumbrances affecting such Land or Lease, and where the Sale shall be made by an Incumbrancer, that the Principal Sum of Two hundred Pounds or upwards is justly owing on his Incumbrance; and such Affidavit shall also state, that before the Publication of such Notice by Advertisement a negative Search was made in the Office for registering Deeds, Wills, and Conveyances in *Ireland*, for a Period of not less than Sixty Years next before the Day of making Certificate of such Search (such Day not being more than Three Months before the Time of the first Publication by Advertisement of such Notice) for the Acts affecting such Land, or the Land comprised in such Lease, of
all

all Persons by whose Acts, according to the Belief of the Deponent, the Land or Lease described in such Notice might have been affected in Title or Charge, and that a negative Search was also made in the Office for the Registration of Judgments and Incumbrances affecting Real Estates in *Ireland* for such Judgments and other Incumbrances there registered and re-registered within Twenty Years before the Day of making Certificate of such last-mentioned Search (such Day not being more than Three Months before the first Publication by Advertisement of such Notice) against the several Persons the Judgments and Incumbrances against whom would, in the Judgment and Belief of such Deponents, have affected such Land or Lease, and that all the Incumbrances appearing on such respective Searches, except such (if any) as such Deponents know to have been satisfied, or to have otherwise ceased to affect such Land or Lease, and all other Incumbrances (if any) affecting such Land or Lease known to such respective Deponents, were mentioned in such Notice; and in case the Sale shall have been made by an Incumbrancer after Notice to an Owner, such Affidavit shall also state that Notice was given to the Owner according to the Provisions of this Act; and such Certificate of the fair selling Value as aforesaid, and the official Certificates of such negative Searches, shall be annexed to and filed with such Affidavit; and the Registrar of the Court shall give a Certificate of the filing of such Affidavit, specifying the Names of the Deponents, the Dates of the Jurat, and of the filing, and such other Particulars as he may think necessary to identify such Affidavit, and shall state the Amount of the Purchase Money mentioned in such Affidavit, and that such Affidavit contains the Statements required in an Affidavit upon a Sale without the Order of the Court under this Act; provided that where such an Affidavit as aforesaid shall have been filed upon a Sale of a Part of the Land or Lease described in such Notice as aforesaid, it shall not be necessary in the Affidavit to be filed upon any subsequent Sale of other Part or Parts of the Land or Lease described in the same Notice again to set forth such Notice or the Publications thereof, or the Searches and Statements in relation thereto, mentioned in such former Affidavit, but reference may be made to the former Affidavit, and to the Copy of Notice and Statements of the Publication, and Searches in such former Affidavit contained and mentioned, and to the Certificates of Searches filed with such former Affidavit.

XL. And be it enacted, That upon the Delivery to the Accountant General of such Certificate of the Registrar as aforesaid, the Purchase Money mentioned in such Certificate shall, without Order of the Court, be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General, and shall be placed to his Account in the Matter of private Sales, under the "Act to facilitate the Sale of incumbered Estates in *Ireland*," to the Credit of the Persons interested in the Land or Lease mentioned in the Affidavit, describing such Affidavit by reference to the Names of the Deponents, and the Dates

Purchase
Money to be
paid into Court.

Dates of the Jurat and filing, and otherwise as described in such Certificate of the Registrar; and such Purchase Money shall be paid out or applied by Order of the Court made from Time to Time upon Petition to be preferred in a summary Way by any Person entitled under the Provisions of this Act; and unless within Two Months after Payment into the Bank of such Purchase Money the Court shall otherwise direct, such Purchase Money shall, without Order for this Purpose, be invested by the Accountant General in the Purchase in his Name of any Stocks, Funds, or Annuities transferable at the Bank of *Ireland*.

Separate Register of Affidavits to be kept, and to be open to Inspection.

XLII. And be it enacted, That a separate Register of the Affidavits filed upon Sales without Order of the Court under this Act shall be kept in the said Court, and any Person shall have Liberty at any reasonable Time to inspect the same, on Payment of the Sum of Two Shillings and Sixpence for such Inspection, and shall be furnished with a Copy of any Affidavit on Payment after the Rate of Two-pence for every Seventy-two Words contained in such Copy.

Defect in Notices, &c. not to invalidate Sale where Purchase Money paid into Court.

XLIII. And be it enacted, That where such Purchase Money shall be paid into the Bank of *Ireland*, with the Privity of the Accountant General as aforesaid, no Defect or Irregularity in the Notices and Affidavit, or the Certificate of the Registrar herein-before required, shall invalidate or affect such Sale or the Operation thereof.

Operation of a Conveyance upon a Sale without Order of the Court.

XLIII. And be it enacted, That upon the Payment of the Purchase Money into the Bank of *Ireland* in manner herein directed the Conveyance upon a Sale without the Order of the Court as aforesaid shall, as from the Execution thereof by the Person selling as aforesaid, and without the Execution of such Conveyance by any other Person, be an effectual Disposition of the Land or Lease thereby expressed to be conveyed, as against the Person making such Conveyance, and as against the Owner mentioned in the Notice set forth in such Affidavit as aforesaid, and all Persons entitled or interested, or who may become entitled or interested, under the same Settlement, Will, or other Assurance, if any, mentioned in such Notice, and all Persons entitled or interested, or who may become entitled or interested, under the Incumbrances mentioned in such Notice, or any of them, and also as against all Estates, Rights, and Interests which the Persons against whom such Conveyance is herein-before made an effectual Disposition, or the Persons by whom such Incumbrances as aforesaid, or any of them, shall have been created, at the Time of such Creation, or at any Time afterwards, might have passed, barred, or prevented from taking effect, save and except the Estates, Rights, and Interests of all Lessees, Tenants, and Occupiers in possession, and of all Lessees and Under-lessees at Rents subject to whose Leases or Under-leases the Owner mentioned in such Notice shall be Owner of the Land or Lease expressed to be conveyed as aforesaid; and from and after the Expiration of Five Years from the Time of the Payment of such Purchase Money into the Bank of *Ireland* as aforesaid, such Conveyance shall have the same Operation as if the Sale

Sale and Conveyance had been a Sale and Conveyance under the Order of the Court under the Provisions herein-before contained.

XLIV. Provided always, and be it enacted, That a Conveyance without the Order of the Court as aforesaid shall not prejudice or affect any Estate, Right, or Interest, (other than the Estates, Rights, or Interests against which such Conveyance is made effectual upon the Payment of the Purchase Money into the Bank of *Ireland* as aforesaid,) in case an Entry, Action, Distress, or Suit shall be made or brought on or in respect of such other Estate, Right, or Interest before the Expiration of such Five Years as aforesaid; and it shall be lawful for any Person claiming any such Estate, Right, or Interest in the Land or Lease comprised in such Conveyance to apply to the Court by Petition in a summary Way; and the Court may, upon such Petition, order that a Sum be set apart out of the Purchase Money in respect of such Estate, Right, or Interest, or to answer any Claim in respect of such Estate, Right, or Interest, or to answer any Claim in respect thereof, or to be applied by way of Payment in Purchase of or Compensation for the same, as the Court may think fit.

Rights prosecuted within Five Years not to be affected.

XLV. And be it enacted, That where any Notice shall have been published, or other Act done, for or in relation to a Sale without the Order of the Court as aforesaid, and the Owner or Incumbrancer by whom such Notice shall have been published, or other Act done, shall die or cease to be Owner or Incumbrancer before the Sale or all the Sales which might be made or completed under such Notice or Act as aforesaid shall be made and completed, the Person who, after the Death or Determination of the Ownership of the Owner who shall have published such Notice or done such Act as aforesaid, shall for the Time being be Owner of the Land or Lease, or the Executors or Administrators or Persons who, after the Death or Determination of the Interest of the Incumbrancer who shall have published such Notice or done such Act as aforesaid, shall for the Time being be Incumbrancer in respect of the same Incumbrance, shall be entitled to proceed to the Completion of the Sale or Sales which might have been made and completed by the Owner or Incumbrancer by whom such Notice or other Act as aforesaid shall have been published or done, in case he had been living, and had not ceased to be Owner or Incumbrancer, and so on every successive Death or Determination of Ownership or Interest: Provided always, that it shall be lawful for the Lord Chancellor of *Ireland*, with such Advice and Consent as herein-before mentioned, from Time to Time to make such Rules and Orders as shall appear necessary for the Protection of Infants and absent Parties.

Sales without Order commenced by Owner or Incumbrancer dying, &c. may be proceeded with by the Person becoming entitled.

XLVI. And be it enacted, That the Money which shall be paid into the Bank of *Ireland* on any Sale without the Order of the Court as aforesaid shall be paid out and applied in Payment of the Incumbrances which affected the Land or Lease from the Sale of which such Purchase Money shall have arisen,

Purchase Money on Sale without Order of the Court to be applied according to the Rights in the Land.

or

or otherwise according to the Rights of the Persons interested in such Land or Lease; provided that unless any other Person or Persons shall, upon Application by Petition as aforesaid, or otherwise, show better Right thereto, the Persons who may be entitled to the Incumbrances, and the Persons otherwise interested, according to the Statements in the Notice and Affidavit given and filed on such Sale as aforesaid, shall be deemed to be the Persons interested in such Land or Lease; and it shall be lawful for the Court, upon the Order for Payment out of Court of any such Money as aforesaid, to make such Conditions for the Delivery by the Person to whom such Payment may be made of any Title Deeds, or for the Execution of any Release of any other Land or Lease on such other Conditions as the Court may think fit and direct.

Receipt of Accountant General to be a sufficient Discharge.

XLVII. And be it enacted, That, as respects as well Sales under the Order of the Court as Sales without the Order of the Court under this Act, and the Application of the Purchase Money arising therefrom respectively, the Receipt of the Accountant General aforesaid, or of such other Person as the Court shall from Time to Time appoint to receive any Monies paid under the Provisions of this Act, shall be a sufficient Discharge for the same, or for so much thereof as shall in such Receipt be expressed to be received.

Where it shall appear that there is more than One Incumbrance, Court may direct Proceedings to be instituted to ascertain Priority of the same.

XLVIII. Provided always, and be it enacted, That in any Case where it shall appear that there are more Incumbrances than One affecting any Land or Lease which shall have been sold or contracted to be sold, or shall be desired to be sold as aforesaid, whether with or without the Order of the Court, and any Doubt shall in the Opinion of the Court exist as to the Order and Priority of such Incumbrances, and in any Case in which the Court shall consider an Issue or a Suit or Action expedient for ascertaining or determining the Rights of Parties in the Land or Lease or Incumbrance, it shall be lawful for the Court at any Time, and either before or after any Sale under this Act, to direct any Proceedings to be instituted at Law or in Equity for the Purpose of ascertaining the same, and to make any Rules or Directions relative to such Matters as it shall see fit.

Application of Surplus of Purchase Money.

XLIX. And be it enacted, That the Surplus of the Purchase Money to be received on any Sale under this Act, whether under the Order of the Court or without the Order of the Court as aforesaid, after the Discharge of all Incumbrances, shall be laid out, under the Direction of the Court, in the Purchase of other Land, which shall be limited and settled to the same Uses, upon the same Trusts, for the same Purposes, and in the same Manner as the Land sold stood settled or limited to, or such of them as shall be then subsisting or capable of taking effect; or such Monies may, at the Discretion of the Court, be paid out of Court to and distributed amongst the Parties who shall appear entitled thereto, as the Court shall direct; and all such Monies may in the meantime be paid over to Trustees, to be appointed by the Court, or in such Manner as it shall direct, for the
Purpose

Purpose of such Investment thereof, and in such Manner as shall be directed by the Court.

L. And be it enacted, That any Money so paid into Court may by Order of the Court be invested by the Accountant General of the said Court in his Name in the Purchase of any Stocks, Funds, or Annuities transferable at the Bank of *Ireland*; and until the same shall be sold by Order of the Court for the Purposes of this Act, and after Payment of such Incumbrances as aforesaid, the Dividends thereof shall from Time to Time be paid to the Person who for the Time being would have been entitled to the Rents of the Land to be purchased therewith.

Money paid into Court may be invested in the Funds.

LI. And be it enacted, That no Money which under the Provisions of this Act shall be paid into the Bank of *Ireland* to the Credit of the Accountant General of the Court of Chancery, or shall be paid out of Court, shall be liable to Usher's Poundage.

Usher's Poundage.

LII. And be it enacted, That whenever the Court shall appoint or shall direct the Appointment of any Trustee for the Purposes of this Act it shall be lawful for the Court to make or to direct to be made such Provision as it shall think fit for the Appointment of new Trustees on any Event to be determined by the Court.

Appointment of new Trustees.

LIII. Provided always, and be it enacted, That where any annual Charge, not being an Incumbrance within the Meaning of this Act, shall affect any Land or Lease to be sold under the Provisions of this Act, being Part of an Estate affected by such annual Charge, it shall be lawful for the Person entitled to such Charge, with the Approbation of the Court, and with the Consent of all Parties interested in the remaining Part of such Estate, to release the Land or Lease to be sold from such Charge, without impairing or affecting the same Charge as to the remaining Part of such Estate, and the Form of such Release shall be approved by the Master, and may be included in the aforesaid Assurance; and if any Person so entitled shall be willing to execute such Release it shall be lawful for the Master to state such Matter in his Report.

Where any annual Charge, not being an Incumbrance under this Act, shall affect any Land to be sold, the Person entitled to such Charge may release the same, &c.

LIV. And be it enacted, That every Person to whom all or any Part of the Purchase Money received on any Sale, either with or without the Order of the Court under this Act, shall be so paid out of Court as aforesaid, shall and he is hereby declared to be liable to refund and repay the same, or so much thereof as he shall have received, unto and amongst the Person or Persons who shall, upon a Suit to be instituted for that Purpose, prove to the Satisfaction of the Court that he or they had at the Time of such Sale a better Title to the Land or Lease so sold as aforesaid, and in respect whereof such Purchase Money was received, than the Person or Persons to or amongst whom such Purchase Money shall have been so paid out and distributed as aforesaid; and every such Repayment shall be made to such Persons, and at such Time, and in such Proportions, Manner, and Form respectively, as the Court shall direct:

Parties to whom the Surplus of Purchase Money is paid out of Court liable to repay the Money to Parties proving a better Title to the Estate sold.

Court may require Security for such Repayment.

Provided always, that it shall be lawful for the Court, where from any Uncertainty of Title or otherwise it shall appear proper so to do, before or upon the Payment out of Court of any such Purchase Money as aforesaid, to require and take from any Person to whom or for whose Benefit the same or any Part thereof shall be so paid out of Court such Security for the Repayment of such Money as to the Court in its Discretion shall seem fit.

Sale without Order of the Court not made *bonâ fide* for Discharge of Incumbrances to be treated as a Breach of Trust.

LV. Provided also, and be it enacted, That where a Sale shall have been made under this Act without Order of the Court of any Land or Lease, and such Sale shall not have been made *bonâ fide* for the Discharge of Incumbrances, the Person who shall have so sold under this Act, whether he shall or shall not have received all or any Part of the Purchase Money under Order of the Court, shall be and is hereby declared to be liable to pay or make to any Person whose Right or Interest to or in such Land or Lease shall have been defeated or prejudicially affected by such Sale such Compensation as the Person so selling would have been liable to pay or make in case the Power given by this Act had been a Trust for Sale for the Discharge of Incumbrances affecting such Land or Lease, and, subject thereto, a Trust for the Benefit of the Person whose Right or Interest shall have been so affected and of all other Persons interested in such Land or Lease, and the Court, upon Suit for that Purpose, shall order such Compensation to be made or paid accordingly, and where any Sale shall have been made under this Act without Order of the Court of any Land or Lease, and any Notice required by this Act shall have been withheld, or shall have been omitted to be given, or where any such Sale shall have been made at an Under-value by Collusion with the Purchaser or his Solicitor or Agent, then the Person who shall have so sold under this Act, whether he shall or shall not have received all or any Part of the Purchase Money under Order of the Court, and his Solicitor or Agent, and where such Sale shall have been made at an Under-value by Collusion the Purchaser, or his Solicitor or Agent if such Solicitor or Agent shall have been cognizant of such Collusion, shall jointly and severally be liable to pay or make to any Person whose Right or Interest to or in such Land or Lease shall have been defeated or prejudicially affected by such Sale full Compensation, and the Court, upon Suit for that Purpose against all or any of the Persons liable under this Provision, shall order such Compensation to be paid or made accordingly, and the Liability of any Defendant in any such Suit as aforesaid to any Pains or Penalties for Perjury in respect of any Statement in any Affidavit made under the Provision herein contained shall not be allowed in the way of Demurrer, Plea, or Refusal to answer or otherwise to protect such Defendant from Discovery in respect of the Premises: Provided always, that the Provision for Compensation herein contained shall not affect or abridge the Right of any Person to bring a Suit in Equity for the Recovery of the Land

or Lease on account of Fraud against any Person who shall have assisted in the Commission of such Fraud, or shall have taken such Land with Knowledge of the Commission thereof.

LVI. Provided always, and be it enacted, That no Payment towards Discharge of what shall be due on any Incumbrance, not being Payment in full, shall prejudice or affect any Right or Remedy of the Incumbrancer, otherwise than as against the Land or Lease sold freed and discharged from such Incumbrance, unless so far as by the Provisions of this Act, or by any general Rule or Order or special Rule or Order of the Lord Chancellor of *Ireland* or of the Court, pursuant to this Act, is or shall be otherwise specially provided.

No Payment towards Discharge of Incumbrance, not being Payment in full, shall affect Right of Incumbrancer for Balance.

LVII. Provided always, and be it enacted, That where any Incumbrancer shall be satisfied, wholly or in part, by Payment out of any Monies arising from any Sale under the Provisions of this Act, and it shall appear or be shown to the Court that any Person whosoever, or any Land or Estate (wherever situate) other than the Land or Lease sold, was liable to such Incumbrance or any Part thereof, and that any such Person or Land or Estate ought to discharge or contribute towards the Discharge of such Incumbrance or any Part thereof in exoneration of the Land or Lease sold, it shall be lawful for the Court, if it shall see fit, to order that any Proceedings shall or may be instituted by such Person, on such Terms and in such Manner as the Court shall think fit, for recovering the Money which ought to be so discharged or contributed in exoneration as aforesaid, and to direct that any such Money shall be paid into the Bank of *Ireland* in the Name and with the Privity and to the Credit aforesaid, or as the Court shall direct, to be paid, applied, and dealt with in manner aforesaid, or as the Court shall direct.

Where Incumbrancer shall be satisfied by Payment out of any Sale, &c., and other Persons or Lands are liable, Court may order Proceeding to be instituted on such Terms as it may think fit, &c.

LVIII. Provided always, and be it enacted, That no Payment of or in respect of any Incumbrance which shall be made under the Provisions of this Act, whether upon or after a Sale under Order of the Court, or upon or after a Sale without the Order of the Court, or which shall be made for facilitating or otherwise in relation to any such Sale as aforesaid, shall impair any Right or Equity of any Persons out of whose Estate such Payment shall be made to be reimbursed or indemnified by any Person or out of any other Land or Estate, except so far as the Court under any special Circumstances shall order.

No Payment in respect of any Incumbrance to impair any Right of any Persons out of whose Estate the same shall be made.

LIX. And be it enacted, That where any Lease subject to any Incumbrance shall be proposed or intended by Order of the Court, or shall be ordered to be sold under the Provisions of this Act, it shall be lawful for the Court, upon the Application of any Persons claiming to be Owners of any Estate in reversion in the same Land, (if the Court shall see fit,) to direct or to authorize and empower the Master to include in his Report approving a Sale, and also to include in the Sale, such Estate in reversion, upon such Terms in all respects as the Court, or the Master under the Authority of the Court, shall see fit; and in every such Case the Court, or the Master under the Authority of the Court, shall apportion the Purchase Money and the

Where an Estate shall be ordered to be sold Court may empower the Master to include in his Report other Interests in the same Estate.

Expenses as the Court or Master shall see fit; and the Assurance to be made under the Provisions of this Act shall or may include such Estate in reversion so sold as aforesaid, if the Master shall think fit.

If Land sold shall be subject to a Lease, &c., comprising other Land, Master may apportion the Rent, &c.

LX. And be it enacted, That if any Land or Lease to be sold by Order of the Court under this Act shall be subject to a Lease or Under-lease for Years or Lives comprising other Land at an entire Rent, it shall be lawful for the Master, before proceeding to a Sale, to apportion the Rent between the Land or Lease to be sold and the Remainder of the Land subject to such Rent, having first caused Notice thereof to be given, as well to the Tenant as to the Person by whom such entire Rent shall be payable, and to the Person entitled to receive such entire Rent, and any Persons claiming an Interest in the Matter may claim to be heard before the Master on the Subject of such Apportionment: Provided nevertheless, that no Apportionment so made by the Master shall be vitiated by any Want of Notice, or by the Absence of any Parties, unless the Court, on the Application of any Person complaining of such Apportionment, shall otherwise direct; and after such Apportionment, and after such Sale shall be completed, the Owners of the Reversion of the respective Lands shall have the like Remedies for the apportioned Rents respectively as were subsisting for the entire Rent before such Apportionment; and all the Covenants, Conditions, and Agreements of every Lease or Under-lease, except as to the Amount of Rent to be paid, shall, as regards the apportioned Parts, remain in force in the same Manner as they would have done in case no such Apportionment had taken place.

No Person entitled to Incumbrance shall be bound to accept Payment without Six Months Notice, &c.

LXI. Provided always, and be it enacted, That no Person entitled to any Incumbrance shall be bound to accept Payment of the same under this Act until such Incumbrance shall be payable, or to accept at any Time less than the full Amount which shall have become due thereon; and no Person so entitled, who, according to the Practice of the Court or the Rules of Equity, shall be entitled to Six Months Notice of Payment, shall be bound to accept Payment of his Incumbrance under this Act without Six Months Notice; but when such Notice shall have been given no fresh Notice shall be necessary if the Money shall be paid within Three Months after the Day fixed, nor shall any Incumbrance, being a re-purchaseable Annuity, be re-purchased until the Time for Re-purchase thereof shall have arrived; and every Notice with respect to any Incumbrance may be given in such Form, and by and in the Name of such Person, and to such Person, as the Master or the Court shall direct; and every such Notice shall be binding and effectual to all Intents and Purposes.

Where Incumbrance included in the Order for Sale shall not be payable or not ascer-

LXII. Provided always, and be it enacted, That where any Incumbrance included in an Order for Sale under this Act, or affecting any Land or Lease which shall be sold without the Order of the Court under this Act, shall, for Want of any Notice or otherwise, not be payable, or where Parties entitled

to

to an Incumbrance cannot be ascertained, or have not come in and claimed to be paid, it shall be lawful for the Court to order such Sum as it shall think fit to be set apart and carried by the Accountant General to such Credit, and to be applied and dealt with as the Court shall direct, in order to provide for any such Incumbrance, and for Costs and Expenses relating thereto.

LXIII. And be it enacted, That pending any Proceedings for a Sale by Order of the Court under this Act it shall be lawful for the Court, on the Application of any Party interested as Owner or Incumbrancer, if it shall see fit, to appoint a Receiver of any Land or Lease which shall have been contracted or shall be desired to be sold as aforesaid, or any Part thereof, and also to discharge such Receiver at any Time; and that every such Receiver shall have all the same Powers and Authorities, and be subject to the Jurisdiction of the Court, and to all subsisting Rules and Orders of the Court for the Regulation of Receivers, in like Manner and as fully as any Receiver appointed in a Cause pending in the Court is so subject; and that every such Receiver shall account before the Master, and shall pay his Balance into the Bank of *Ireland*, in the Name and with the Privy and to the Credit aforesaid, or otherwise as the Court shall direct, to be paid, applied, and dealt with in manner aforesaid, or as the Court shall direct: Provided always, that nothing in this Act contained shall empower the Court to appoint such Receiver at the Instance of an Incumbrancer who would not, if this Act had not passed, be entitled to apply for the Appointment of a Receiver over such Land or Lease.

tained, Court may order a Sum to be carried to the Credit of same, &c.

Pending Proceedings Court may appoint a Receiver, who shall be subject to Jurisdiction of the Court.

LXIV. And be it enacted, That in every Case in which the Guardian of an Infant would be authorized to do any Act or give any Consent under the Provisions of this Act on behalf of such Infant if such Infant shall have no Guardian, it shall be lawful for the Court under this Act, if it shall think fit, to appoint a Guardian of such Infant for the Purpose of any Proceedings under this Act, and also to change such Guardian from Time to Time.

Court may appoint Guardians of Infants to act for them for the Purposes of this Act.

LXV. And be it enacted, That where any Person the Committee of whose Estate if he were idiot or lunatic would be authorized or directed to do any Act or give any Consent as aforesaid on his Behalf shall be of unsound Mind or incapable of managing his Affairs, but shall not have been found idiot or lunatic under an Inquisition, or there shall be no Committee of the Estate, it shall be lawful for the Court, on the Application of any Person on behalf or as next Friend of such Person, or on the Application of any Person interested in any Proceedings pending under this Act, to appoint a Guardian of such Person for the Purpose of any such Proceedings under this Act, and also at any Time and from Time to Time to change such Guardian.

Court may appoint Persons to act on behalf of Lunatics, &c.

LXVI. And be it enacted, That the Costs and Expenses of and incident to every Application for the Appointment and Change of any Guardian under this Act shall be in the Discretion of the Court, and shall and may, if the Court think fit,

As to the Payment of Costs.

be introduced amongst the Costs to be provided for under the general Provisions of this Act.

No Petition for Sale without Consent where an Incumbrancer is in possession, or during pending Suits.

LXVII. Provided always, and be it enacted, That this Act shall not authorize nor be taken to authorize the presenting of any Petition for Sale by Order of the Court in any Case where an Incumbrancer shall be in possession of the Land which shall be subject to his Incumbrance, unless with his Consent, nor in any Case where the first Mortgagee of the Land or Lease shall have under his Security a Power of Sale which has arisen and may be exercised, unless he shall make or consent to the Application, or shall, after being requested by the Petitioner so to do, have refused, or for Three Months have neglected in the Opinion of the Court to use Diligence towards the Exercise of such Power of Sale, nor in any Case where at the Time of presenting such Petition any Suit for Foreclosure or Redemption or Sale of the incumbered Land which shall have been commenced before the First Day of *July* One thousand eight hundred and forty-eight shall be pending, unless with the Consent of the Parties competent to consent to the Dismissal or staying of the Suit, and that every such Consent shall be stated in the Petition for confirming and carrying into effect a Contract for Sale or for Sale as aforesaid; and that in case of such Suit it shall be lawful for the Court, under this Act, to give such Directions to any Parties for discontinuing or staying such Suit, and respecting the Costs thereof, or otherwise, as it shall see fit; and that pending any Proceedings for a Sale by Order of the Court under this Act it shall not be lawful for any Owner or Person claiming to be Owner within the Provisions of this Act, or claiming by the Act of such Owner or Person, or by Act of Law, pending any Proceedings under this Act, or any Incumbrancer, to commence any Proceedings at Law or in Equity for Redemption, Foreclosure, or Sale, without the Leave of the Court, to be given under this Act; and that in every Case the Court shall have full Power to make or grant any Order or Injunction for staying any Proceedings contrary to the Provisions of this Act, and for Costs relative thereto: Provided always, that this Act shall not authorize any Sale or Assignment of a Lease contrary to the Covenants and Conditions of such Lease.

Power to stay pending Suits.

No Suits to be commenced pending Proceedings under this Act, without Leave of the Court.

Proofs of Debts, &c. in a discontinued Suit may be used in a Reference upon a Petition.

LXVIII. And be it enacted, That when any Petition shall be presented for confirming and carrying into effect a Contract for Sale or for a Sale under this Act of any Land or Lease in respect of which any Suit for Foreclosure or Redemption or Sale shall have been pending, and shall be discontinued or stayed under this Act, it shall be lawful for the Court to order that all such Proofs and Debts and other Proceedings, and such Evidence as shall have been taken in the Suit, may be adopted and used in the Proceedings under such Petition, in the same Manner as if the same had been originally taken under the Reference upon such Petition.

Consent, where necessary, may by Leave of the

LXIX. Provided always, and be it enacted, That when any Petition for confirming and carrying into execution a Contract for

for Sale or for a Sale under this Act shall have been presented without the requisite Consent, such Consent may by Leave of the Court be given subsequently, so as to render valid the Proceedings under such Petition; and that where any such Petition shall be held by the Court invalid for Want of such Consent it shall be lawful for the Court to make such Order against the Person who shall have presented the same relative to the Costs of any other Person of any Proceedings had under such Petition as the Court shall think fit.

Court be given subsequently.

LXX. And be it enacted, That any Incumbrancer not being the First Incumbrancer on any Land or on any Lease of Land in *Ireland*, who shall be desirous of exercising the Powers given to a First Incumbrancer under this Act, and for that Purpose shall be willing to redeem the prior Incumbrance, or all the prior Incumbrances if more than One, may apply by Petition in a summary Way to the Court for Liberty so to redeem such prior Incumbrance or Incumbrances; and it shall be lawful for the Court, upon such Petition, to make such Order and give such Directions in all respects as might have been made or given in a Suit by such petitioning Incumbrancer for Redemption of such prior Incumbrance or Incumbrances; and in case the Amount which shall be owing to any Incumbrancer whose Incumbrance shall be sought to be redeemed as aforesaid shall not be admitted or agreed upon, it shall be lawful for the Court, if it shall think fit, upon Payment into Court by the Petitioner of the Money claimed to be due on such Incumbrance, to order that the Petitioner shall, for the Purposes of all Proceedings in Court under this Act, and for the Purpose of Sales without the Order of the Court under this Act, stand in the Place of the Owner of such Incumbrance, without Prejudice to the Rights of the Petitioner and of the Incumbrancer whom he shall seek to redeem, upon taking the Account of the Incumbrance: Provided always, that it shall not be lawful upon any such Petition to question the Validity or Title of any such prior Incumbrance.

Power to Second or subsequent Incumbrancer to redeem the prior Incumbrances.

LXXI. And be it enacted, That no Petition shall be presented for confirming and carrying into execution a Contract for Sale or for a Sale by Order of the Court under this Act by any Assignee of any Bankrupt or Insolvent Debtor, without the Consent thereto of the major Part in Number and Value of the Creditors assembled at a Meeting duly convened for that Purpose first had and obtained: Provided nevertheless, that where any such Petition shall have been presented without such Consent having been first had and obtained, such Consent may by Leave of the Court be given subsequently, so as to render valid the Proceedings under such Petition.

No Petition for Sale by Assignees of Bankrupts or Insolvents, without Consent of major Part of Creditors.

LXXII. And whereas Doubts are entertained whether, when a Judgment affects Lands in *Ireland*, and when the Person entitled to such Judgment is willing to release a Portion of such Lands in order to the Sale thereof, or otherwise, he can grant such Release without nullifying the Effect or Validity of such Judgment upon the Residue thereof, or any other Property which it is intended should remain subject to

Release of a Portion of Lands not to affect the Validity of a Judgment as regards the Residue of such Lands,

‘ such Judgment: And whereas it is expedient that such Doubts
 ‘ be removed:’ Be it enacted, That the Release of any Portion
 of Lands in *Ireland* from any Judgment affecting the same shall
 not operate or be construed to extend or operate so as to nullify
 or in any Manner to affect the Validity and Force of such
 Judgment as regards the Residue of such Lands, or any other
 Property not specially released from such Judgment, but that
 such Judgment shall continue to affect such Residue or other
 Property, notwithstanding such Release, in like Manner, and
 with the like Powers to enforce Payment of Interest and Prin-
 cipal, and to all Intents and Purposes, as if such Deed of
 Release had not been executed.

Annual Returns
 to be laid be-
 fore Parliament.

LXXIII. And be it enacted, That in the Month of *February*
 in every Year if Parliament be then sitting, or, if Parliament
 be not sitting, then within Fourteen Days after the next Meet-
 ing of Parliament, a Return shall be laid before both Houses
 of Parliament, showing the total Amount or Quantity in Statute
 Acres of all Lands sold under the Provisions of this Act during
 the Year ending the Thirty-first Day of *December* then last past,
 together with a Statement of the total annual Rent of such
 Lands (so far as the same shall have been shown in the Pro-
 ceedings), the total Amount of Incumbrances which affected
 such Lands at the Time of the Applications for the Sale thereof
 respectively under this Act, the total Amount of Purchase
 Money for the same, together with the total Amount of all
 such Law Costs incurred as shall have been paid out of such
 Purchase Money, and of all other Charges and Expenses which
 may have been paid or deducted from the Proceeds of such
 Sales under the Order of the Court.

Short Title.

LXXIV. And be it enacted, That in citing this Act in
 other Acts, and in legal Instruments, it shall be sufficient to use
 the Expression “The *Irish* Incumbered Estates Act.”

Act to extend
 to Ireland only,
 &c.

LXXV. And be it enacted, That this Act shall, except so
 far as the special Provisions of the same otherwise require,
 extend only to *Ireland*, and may be amended, altered, or re-
 pealed by any Act to be passed in this Session of Parliament.

CAP. XLIX.

An Act for regulating the Sale of Beer and other
 Liquors on the Lord’s Day. [14th August 1848.]

‘ **W**HEREAS the Provisions in force within the Metropo-
 ‘ litan Police District, and in some other Places in *Eng-*
 ‘ *land*, against the Sale of fermented and distilled Liquors in
 ‘ the Morning of the Lord’s Day, have been found to be at-
 ‘ tended with great Benefits:’ Be it enacted by the Queen’s
 most Excellent Majesty, by and with the Advice and Consent
 of the Lords Spiritual and Temporal, and Commons, in this
 present Parliament assembled, and by the Authority of the
 same, That no Licensed Victualler, or Person licensed to sell
 Beer by Retail to be drunk on the Premises or not to be
 drunk

Prohibition
 against the Sale
 of Beer, &c. on
 Sundays, &c.

drunk on the Premises, or other Person, in any Part of *Great Britain*, shall open his House for the Sale of Wine, Spirits, Beer, or other fermented or distilled Liquors, or sell the same, on *Sunday*, before Half past Twelve o'Clock in the Afternoon, or, where the Morning Divine Service in the Church, Chapel, Kirk, or principal Place of Worship of the Parish or Place shall not usually terminate by that Time, before the Time of the Termination of such Service, and that no Licensed Victualler or other Person in *England* shall open his House for the Sale of Wine, Spirits, Beer, or other fermented or distilled Liquors, or sell the same, on *Christmas Day* or *Good Friday*, or any Day appointed for a Public Fast or Thanksgiving, before the respective Times aforesaid, except, in all the Cases aforesaid, as Refreshment for Travellers: Provided always, that nothing herein contained shall authorize the opening of any House for the Sale of Wine, Spirits, Beer, or other fermented or distilled Liquors within the Metropolitan Police District, or any City, Town, or Place, at an earlier Hour or Time than is now allowed by Law, where the opening of such House or such Sale is now specially prohibited before any later Hour or Time than that herein-before mentioned.

II. And be it enacted, That so much of an Act passed in the Fourth Year of Her present Majesty, intituled *An Act to amend the Acts relating to the general Sale of Beer and Cider by Retail* in England, as provides that no Person licensed to sell Beer or Cider by Retail as therein mentioned should have or keep his House open for the Sale of Beer or Cider, nor should sell or retail Beer or Cider, nor should suffer any Beer or Cider to be drunk or consumed in or at such House, at any Hour before One of the Clock in the Afternoon on any *Sunday*, *Good Friday*, *Christmas Day*, or any Day appointed for a Public Fast or Thanksgiving, shall, without Prejudice to any pending Proceeding for Breach of such Enactment, be repealed.

3 & 4 Vict. c. 61.
s. 15. repealed
in part.

III. And be it enacted, That it shall not be lawful for any Licensed Victualler, or Person licensed to sell Beer by Retail to be drunk on the Premises or not to be drunk on the Premises, or any Person licensed or authorized to sell any fermented or distilled Liquors, or any Person who, by reason of the Freedom of the Mystery or Craft of Vintners of the City of *London* or of any Right or Privilege, shall claim to be entitled to sell Wine by Retail to be drunk or consumed on the Premises, to open his House for the Sale of any other Articles whatsoever within the respective Times during which the Sale of Wine, Spirits, Beer, or other fermented or distilled Liquors is herein-before prohibited, except as Refreshment for Travellers.

Licensed
Victuallers, &c.
not to open
House for Sale
of any Articles
during prohibi-
ted Hours.

IV. And be it enacted, That no Person shall open any House or Place of public Resort for the Sale of fermented or distilled Liquors, or sell therein such Liquors, in *England* or *Scotland*, before the Hour of Half past Twelve of the Clock in the Afternoon, or, where the Morning Divine Service in the Church, Chapel, Kirk, or principal Place of Worship shall not usually terminate by that Time, before the Time of the Termination

Restricting the
Sale of Liquors
before a certain
Time on Sun-
days, &c.

tions and Manner as the said Commissioners for the Time being shall in their sole Discretion think proper and reasonable, according to the Amount expended on the said Houses respectively; and the said Rate shall continue payable until the whole of such Costs as aforesaid, and all Monies to be levied or borrowed on the Security of the said Rate hereby authorized to be charged, and all Interest for the same, shall be fully paid off and discharged.

Power to Commissioners to borrow Money on the Security of the Rates.

VI. And in order to enable the said Commissioners to raise Money the more speedily for the Purposes of this Act, be it enacted, That it shall be lawful for the said Commissioners for the Time being to borrow at Interest, at any One Time or from Time to Time, any Sum or Sums of Money, not exceeding in the whole the Sum of Nine thousand five hundred Pounds, upon the Credit of the Rate so to be charged and levied as aforesaid; and that every such Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be executed by the said Commissioners for the Time being, or any Two of them, and may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect; and the respective Mortgagees shall be entitled one with another to their respective Proportions of the Rate aforesaid, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another by reason of the Priority of advancing such Monies, or of the Dates of any such Mortgages respectively.

Register of Mortgages to be kept.

VII. And be it enacted, That a Register of Mortgages shall be kept by the said Commissioners, and within Fourteen Days after the Date of any Mortgage an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, shall be made in such Register; and such Register may be inspected at all reasonable Times by any Person interested in any such Mortgage or Assignment, without Fee or Reward.

Mortgages may be transferred.

VIII. And be it enacted, That any Person entitled to any such Mortgage may transfer his Right and Interest therein to any other Person; and every such Transfer shall be by Deed duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be in the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Memorials of Transfers to be registered.

IX. And be it enacted, That within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the said Commissioners for the Time being, or their Clerk or Secretary, and thereupon an Entry or Memorial thereof shall be made in like Manner as in the Case of the original Mortgage; and for every such Entry shall be paid a Fee of Five Shillings; and after such Entry, every such Transfer shall entitle the Transferee, his Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage, and the Principal and Interest thereby secured; and such Transferee

may

may in like Manner assign or transfer the same again, *toties quoties*; and it shall not be in the Power of any Person, except the Person to whom the same shall have been last transferred, his Executors, Administrators, or Assigns, to make void, release, or discharge the Mortgage so transferred, or any Money thereby secured.

X. And be it enacted, That if the said Commissioners for the Time being can at any Time borrow any Sum of Money at a lower Rate of Interest than any Securities given by them and then being in force shall bear, it shall be lawful for the said Commissioners to borrow such Sum at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the said Rate herein-before authorized to be levied, or any Part thereof, with the Payment of such Sum and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage.

Commissioners may borrow Money at a lower Rate of Interest to pay off existing Mortgages.

XI. And be it enacted, That it shall be lawful for the said Commissioners for the Time being, if they think proper, to fix a Period for the Payment of all Principal Monies borrowed under the Provisions of this Act, with the Interest thereof; and in such Case the said Commissioners shall cause such Period to be inserted in the Mortgage Deed; and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall, on Demand, be paid to the Party entitled to receive such Principal Money and Interest at the Office of the said Commissioners.

Commissioners may fix a Time for Payment of Money borrowed.

XII. And be it enacted, That if no Time be fixed in the Mortgage Deed for the Repayment of the Money so borrowed, the Party entitled to receive such Money may, at the Expiration or at any Time after the Expiration of Twelve Calendar Months from the Date of such Deed, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Calendar Months previous Notice for that Purpose; and in the like Case the said Commissioners for the Time being may at any Time pay off the Money borrowed on giving the like Notice, and every such Notice shall be in Writing or Print, or both, and if given by a Mortgagee shall be left at the Office of the said Commissioners, and if given by the said Commissioners shall be given either personally to such Mortgagee, or left at his or her usual or last known Place of Abode; or if such Mortgagee be unknown to the said Commissioners, or cannot in the Opinion of the Commissioners be found, such Notice shall be given by Advertisement in the *London Gazette*.

If no Time fixed, Securities may be called in and paid, after Expiration of Twelve Months, on giving Six Months Notice.

XIII. And be it enacted, That if the said Commissioners for the Time being shall have given Notice of their Intention to pay off any such Mortgage at a Time when the same may be lawfully paid off by them, then, at the Expiration of such Notice, all further Interest shall cease to be payable thereon, unless, on Demand of Payment made pursuant to such Notice, or at any Time thereafter, the said Commissioners fail to pay the

If Commissioners give Notice to pay off, the Interest to cease on Expiration of the same.

the Principal and Interest due at the Expiration of such Notice on such Mortgage.

Interest to be kept down, and Residue applied as a Sinking Fund to pay off the Principal.

XIV. And be it enacted, That in order to discharge the Principal Money borrowed as aforesaid on Security of the said Rate the said Commissioners for the Time being shall, out of such Rate as shall be raised as aforesaid, pay the Interest of all Monies borrowed, and appropriate the Remainder (after deducting all the Expenses relating to the levying and raising the same) as a Sinking Fund, to be applied in paying off the respective Principal Monies so borrowed, and shall from Time to Time cause such Sinking Fund to be invested in the Purchase of Exchequer Bills or other Government Securities, and to be increased by Accumulation, in the way of Compound Interest or otherwise, until the same respectively shall be of sufficient Amount to pay off any Principal Sum which may have been so borrowed, or some Part thereof which the said Commissioners shall think ought then to be paid off, at which Time the same shall be so applied in paying off the same in manner herein-after mentioned.

Securities to be paid off by Lot.

XV. And be it enacted, That whenever the said Commissioners for the Time being shall be enabled to pay off One or more of the Mortgages which shall be then payable, and shall not be able to pay off the whole of the same, they shall decide on the Order in which they shall be paid off by Lot among the Class to which such One or more of the Mortgages belong, and shall cause Notice, in manner herein-before mentioned, to be given to the Persons entitled to the Money to be paid off pursuant to such Lot; and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at the Office of the said Commissioners, at the Expiration of Six Calendar Months from the Date of such Notice.

Houses may be exonerated from the Rate by Payment of a Sum in gross.

XVI. Provided always, and be it enacted, That it shall be lawful for any Person or Persons, at any Time before any Payment of the Rate aforesaid shall become payable, to exonerate any House or Houses in the *Regent's Quadrant* aforesaid, and the Occupiers thereof, from the Payment of such Rate as aforesaid, by Payment to the said Commissioners for the Time being of a gross Sum of Money, bearing the like Proportion to the total Cost of the aforesaid Works authorized and directed by this Act (after deducting the Value of the Materials of the said Colonnade as aforesaid) as the Rate or Rates to be charged on such House or Houses shall bear to the total Rate charged by the said Commissioners under the Provisions herein-before contained.

Power to Commissioners to undertake the cleansing, &c. of the Outsides of the Houses.

XVII. ' And whereas in the Leases granted by or on behalf
' of Her Majesty the Lessees of the Houses in the said *Regent's*
' *Quadrant* are bound, by Covenants in the same Leases con-
' tained, to cleanse and colour the outside Stucco and Stone
' Work of the Houses, Buildings, and Walls comprised in such
' Leases respectively, in the Month of *August* in certain Years:

' And

‘ And whereas if the whole of the said *Regent's Quadrant* were placed under the Care of the said Commissioners for the Time being; as to the cleansing and colouring or painting of the outside Stucco and Stone Work of the Fronts of the said Houses, and the said Lessees were released from the said Covenants for cleansing and colouring the same outside Stucco and Stone Work, such an Arrangement would secure the cleansing and colouring or painting being done in a uniform Manner, and greatly contribute to the Beauty of the said *Quadrant*, and would also tend to the Ease and Convenience of the Inhabitants:’ Be it enacted, That it shall be lawful for the said Commissioners for the Time being, if they shall think fit, from Time to Time as they shall see Occasion, to undertake and cause to be executed the cleansing and colouring or painting, in a regular and uniform Manner, of all the outside Stucco and Stone Work of the Fronts of the Houses situate in the *Regent's Quadrant* aforesaid, and employ Workmen, and take all Steps necessary or proper for the due Performance of the Work.

XVIII. And be it enacted, That for the Purpose of answering the Expense of the cleansing and colouring or painting the Stucco Work hereby authorized to be cleansed and coloured or painted by the said Commissioners, a Rate, in addition to the Rate herein-before authorized, shall be laid and assessed by the said Commissioners for the Time being upon all the Houses in the said *Regent's Quadrant* the outside Stucco and Stone Work whereof shall for the Time being be proposed to be, or shall have been, cleansed or coloured or painted as aforesaid; and a separate Account shall be kept of such last-mentioned Rate; and the Monies to arise thereby shall be applied in cleansing and colouring or painting the outside Stucco and Stone Work of the Fronts of the Houses in which such Rate shall have been raised, and in paying all the Expenses incurred in or about the Performance of such Work.

An additional Rate to be levied to defray Expense of future cleansing, &c. of Out-sides of Houses.

XIX. Provided always, and be it enacted, That no Lessee or other Person who shall pay the Rate assessed by the said Commissioners for the Expense of cleansing and colouring or painting such outside Stucco and Stone Work as aforesaid shall be liable to be sued in respect of the cleansing and re-colouring of the same outside Stucco and Stone Work, upon any Covenant in the Lease of the Property in respect of which such Rate shall be laid and assessed, before the Expiration of Four Years after the assessing of the last Rate which shall have been paid in respect of the cleansing and colouring or painting such outside Stucco and Stone Work as aforesaid.

Parties paying such additional Rate not to be liable on their Covenants for Expense of cleansing, &c.

XX. Provided always, and be it enacted, That from and after the cleansing and colouring or painting of the outside Stucco and Stone Work of any House as aforesaid by the said Commissioners, it shall not be lawful for the Lessee, Owner, or Occupier of such House, or for any other Person or Persons, (except the said Commissioners, or any Person by them in that Behalf authorized,) to cleanse or colour, or in any Manner to paint

After cleansing, &c. by Commissioners, Occupiers restrained from varying the same.

paint or vary the Colour or Appearance of such outside Stucco or Stone Work; and if any such Lessee, Owner, or Occupier, or other Person or Persons, shall so cleanse or colour, or in any Manner paint or vary the Colour or Appearance of such outside Stucco or Stone Work, he, she, or they shall for every such Offence forfeit and pay a Sum of Ten Pounds.

Cost of first
cleansing, &c.
to be deemed
Part of the
Cost of taking
down the
Colonnade.

XXI. Provided always, and be it enacted, That the Cost of cleansing and colouring or painting which shall be necessary in order to restore the Fronts of the Houses in the *Quadrant* aforesaid, after taking down the said Colonnade, and constructing such Balconies, Alterations, and Additions as herein-before mentioned, to a uniform Colour and Appearance, shall be considered as Part of the Cost of taking down the said Colonnade, and shall not be liable to be raised by any such Rate as last herein-before mentioned.

Persons liable
to Poor Rate
to pay the
Rates levied
under this Act.

XXII. And be it enacted, That the Person or Persons for the Time being liable to pay the Poor Rate in respect of each of the said Houses in the *Regent's Quadrant* aforesaid shall be the Person or Persons liable to pay the several Rates to be levied under this Act.

Recovery of
Rates.

XXIII. And be it enacted, That if any Person rated under the Authority of this Act shall fail to pay any of the said Rates due from him for the Space of Fourteen Days after Demand thereof in Writing by the said Commissioners or their Collector, it shall be lawful for any Justice of the Peace acting in or for the City and Liberty of *Westminster*, on the Application of the said Commissioners or their Collector, to summon such Person to appear before him, at a Time to be mentioned in the Summons, to show Cause why the Rate or Rates due from him should not be paid; and in case no sufficient Cause for the Nonpayment of any such Rate should be shown, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly, or the said Commissioners may recover the same by Action of Debt; provided that if no sufficient Distress whereon to levy the Amount due in respect of such Rate be found within the Jurisdiction of the said Justice, then, upon Oath made before any Justice of the Peace of any other County or Jurisdiction in which any Goods or Chattels of the Person not paying the said Rate or Rates may be found, such Justice shall certify the said Oath by endorsing the said Warrant; and thereupon the Amount due in respect of the said Rate or Rates, and unpaid by the said Person, may be levied by Distress of the Goods and Chattels of such Person as assessed in the last-mentioned County or Jurisdiction.

Form of War-
rant.

XXIV. And be it enacted, That the Warrant of Distress for the Recovery of any Rate hereby made payable may be in the Form or to the Effect mentioned in the Schedule (C.) to this Act annexed; and in all Cases where a Distress is hereby authorized to be made every Constable authorized by the Warrant to levy any Sum mentioned therein shall, upon being required by the said Commissioners or their Collector, aid in making a Distress or Sale pursuant to such Warrant; and every

Constable

Constable refusing to do so shall be liable to a Penalty not exceeding Five Pounds.

XXV. And be it enacted, That in any Proceeding to levy and recover or consequent on the levying or recovering of any Rate under the Provisions of this Act; the Books of Rates of the said Commissioners, and all Entries made therein, by the Production thereof alone, shall, on Proof of the Signatures of the said Commissioners for the Time being, or any Two of them, whose Names appear therein or subscribed therein, be received as Evidence of such Rate, and of the Contents thereof.

Rate Books, on Proof of the Commissioners Signatures, to be Evidence of Rate.

XXVI. And be it enacted, That if any Person quit or be about to quit any of the said Houses in the *Regent's Quadrant* aforesaid before he or she has paid the Rate or Rates payable in respect thereof, and do not pay the same to the said Commissioners or their Collector, on Demand, any Justice of the Peace having Jurisdiction where such Person resides or his or her Goods are found may summon such Person to appear before him at a Time specified in the Summons, to show Cause why the Rates should not be paid; and if no sufficient Cause for the Nonpayment of such Rate or Rates be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

For Recovery of Rates in Cases of Removal or anticipated Removal of the Occupier.

XXVII. Provided always, and be it enacted, That nothing in this Act contained shall in anywise alter or defeat any Covenant, Provision, or Right, or Interest in or reserved by any Lease, Under-lease, or Agreement for a Lease already granted or entered into, of or respecting any of the Houses or Buildings in the said *Quadrant*, but that all and every such Leases and Agreements, and the Covenants, Rights, and Provisions therein contained or reserved, and also all Policies of Insurance against Fire effected in respect of any of the said Houses and Buildings, shall continue in force in all respects as if this Act had not been made, and the said Colonnade had not been pulled down, and as if such Alterations hereby authorized as aforesaid had not been made; and all the Covenants and Provisions in any such Lease or Under-lease or Agreement shall be construed and take effect with reference to the Balconies and other Alterations in or Additions to the Fronts of the said Houses hereby authorized to be made, and as if the same had been made and done before the making of any such Instrument, and as if the same had reference to the State in which the said Houses and Buildings shall be after such Alterations as aforesaid; anything in such Instrument as aforesaid or in this Act contained to the contrary notwithstanding.

Leases not to be affected.

XXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. LI.

An Act to provide additional Funds for Loans for Drainage and other Works of public Utility in Ireland.
[14th August 1848.]

9 & 10 Vict. c. 85. WHEREAS an Act was passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her Majesty, intituled *An Act to authorize the Application of Money for the Purposes of Loans for carrying on Public Works in Ireland*: And whereas another Act was passed in the same Session of Parliament, intituled *An Act to provide additional Funds for Loans and Grants for Public Works in Ireland*: And whereas an Act was passed in the last Session of Parliament, intituled *An Act to provide additional Funds for Drainage and other Works of public Utility in Ireland, and to repeal an Act of the last Session for authorizing a further Issue of Money in aid of Public Works of acknowledged Utility*: And whereas under the Authority of an Act of the First Year of the Reign of Her Majesty, intituled *An Act to amend the Acts for the Extension and Promotion of Public Works in Ireland*, and of an Act passed in the said Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her Majesty, intituled *An Act for the further Amendment of the Acts for the Extension and Promotion of Public Works in Ireland*, and also of another Act passed in the same Session of Parliament, intituled *An Act to facilitate the Employment of the labouring Poor for a limited Period in the distressed Districts in Ireland*, and of an Act of the last Session of Parliament, intituled *An Act to render valid certain Proceedings for the Relief of Distress in Ireland by Employment of the labouring Poor, and to indemnify those who have acted in such Proceedings*, sundry Advances were made by the Commissioners of Public Works in Ireland for the Purpose of affording Relief to destitute Persons in Ireland by means of Employment on Public Works: And whereas, under the Conditions on which these Advances were made, and under the Provisions of an Act of the last Session of Parliament, intituled *An Act to facilitate the Recovery of Public Monies advanced for the Relief of Distress in Ireland by the Employment of the labouring Poor*, One Moiety of the Advances made under the Authority of the Two last-recited Acts, with Interest thereon, was made re-payable by half-yearly Instalments by way of Annuity: And whereas by various Presentments made at the Spring and Summer Assizes One thousand eight hundred and forty-seven, and at the Spring or Summer Assizes One thousand eight hundred and forty-eight, in different Counties in Ireland, several Sums are made payable into the Exchequer by those Counties in respect of the Advances herein-before mentioned, or some of them: And whereas certain of the Works commenced under the Two lastly above-recited Acts of the Ninth and Tenth Years of Her Majesty are

are unfinished: And whereas it is expedient to provide further Means of completing the same, and also of carrying on Works of River Drainage under the Provisions of the Act passed in the Session of Parliament holden in the Ninth and Tenth Years of Her Majesty, intituled *An Act to amend the Acts for promoting the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in Ireland, and to afford Facilities for increased Employment for the labouring Classes in Works of Drainage during the present Year*, and the other Acts recited therein, and also of carrying on other Works of public Utility in *Ireland*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, to cause to be issued from Time to Time as they may find necessary during the Term of Three Years next ensuing the Fifth Day of *April* One thousand eight hundred and forty-eight, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Nine hundred and forty-five thousand Pounds, such Sum or Sums to be placed to the Credit of the Commissioners for the Reduction of the National Debt to the Account opened with them at the Bank of *England* under the Title of "The Commissioners for the Reduction of the National Debt on account of the Public Works Loan Fund for *Ireland*," which Account shall be continued for the Purposes of this Act: Provided always, that the total Sum issued from the Consolidated Fund under the Provisions of this Act shall not at any Time exceed the Sum which shall have been actually paid into the Exchequer under the Provisions of the said Act of the First Year of Her Majesty, the said Act of the Ninth and Tenth Years of Her Majesty "for the further Amendment of the Acts for the Extension and Promotion of Public Works in *Ireland*," the said Act of the same Years "to facilitate the Employment of the labouring Poor for a limited Period in the distressed Districts in *Ireland*," and the said Act of the last Session of Parliament "to facilitate the Recovery of Public Monies advanced for the Relief of Distress in *Ireland* by the Employment of the labouring Poor."

II. And be it enacted, That all the Monies which shall be placed to the Credit of the Commissioners for the Reduction of the National Debt as aforesaid shall be held by the same Commissioners, subject to the Disposal of the Commissioners of Public Works in *Ireland*, for the Purposes of any Loans which the Commissioners of Public Works in *Ireland* may, with the Sanction of the Commissioners of Her Majesty's Treasury, think fit to make for the Completion of Public Works commenced under the said Act of the Ninth and Tenth Years of Her Majesty "for the further Amendment of the Acts for the Extension and Promotion of Public Works in *Ireland*," and the

c. 4.

Treasury may cause to be issued a further Sum not exceeding 945,000*l.* to the Commissioners of Public Works in *Ireland*.

Sums issued not to exceed the Sum actually paid into the Exchequer under Provisions of 9 & 10 Vict. cc. 1. 107. and 10 & 11 Vict. c. 87.

Sums issued to be applied for Loans for Completion of Public Works commenced under 9 & 10 Vict. cc. 1. 107., and for Promotion of Drainage and other Works of public Utility.

or shorter Du-
ration of equal
Value.

upon Application being made to them by the Grand Jury of any County, or County of a City or County of a Town, in *Ireland*, or by the Justices assembled at a Special Sessions to be summoned as herein-after directed, in which the Sum or Sums so certified by the said Commissioners of Public Works shall have been previously presented as aforesaid, to authorize the Conversion of the Annuity charged on such County, County of a City or County of a Town, or the Portion of such Annuity chargeable on any Barony, Half Barony, Electoral Division, or District, under the Certificate and Presentment in this Behalf, or of the Instalments thereof which at the Time of such Conversion shall remain payable, into an Annuity of a shorter or longer Duration in no Case exceeding Twenty Years, provided the Value at the Time of the Conversion of such Annuity of longer or shorter Duration as aforesaid shall be equal to the Value at the same Time of the Annuity or Portion of Annuity charged or chargeable as aforesaid, or such Instalments thereof as aforesaid or Portion thereof, such respective Values to be calculated on the Basis on which such an Annuity of Twelve Pounds for Ten Years as aforesaid was taken as equal to a Sum of One hundred Pounds; and all the Powers, Authorities, or Provisions contained in the last-recited Act which relate to the Presentment, raising, levying, and paying of the Annuities to be presented by the Grand Juries under that Act shall extend to the Annuities sanctioned by the Commissioners of Her Majesty's Treasury under this Act: Provided always, that with respect to the Limitation of the total Sum to be issued from the Consolidated Fund under the Provisions of this Act, all postponed Payments, and Payments of substituted Annuities under the Postponement and Conversions hereby authorized, shall be deemed Payments under the Provisions of the last-recited Act.

If Grand Jury shall not make Application at Summer Assizes for Conversion of Annuities, Clerk of the Peace may call Special Sessions, at which Justices may make Application.

VI. And be it enacted, That in case such Application as aforesaid shall not have been made by the Grand Jury of any County, County of a City or County of a Town, in *Ireland*, at the Summer Assizes of this present Year, and it may be expedient that such Application should be made previous to any Levy, it shall be lawful for the Clerk of the Peace of any such County, County of a City or County of a Town, and he is hereby required within Two Days after the Receipt of a written Requisition of the Treasurer of such County for that Purpose, to call a Special Sessions of the Peace to be held on or previous to the First Day of *October* of this present Year, to be held at the County or Assize Town (giving Six Days Notice thereof to the Justices of such County), and it shall be lawful for the Justices then and there assembled to make such Application as aforesaid.

Provision where Occupation of Premises may be changed.

VII. ' And whereas by the said recited Act of the last Session of Parliament, intituled *An Act to facilitate the Recovery of Public Monies advanced for the Relief of Distress in Ireland by the Employment of the labouring Poor*, it is amongst other things enacted, that any such Sum of Money to be from Time

‘ to Time raised and levied off any Barony, Half Barony, Electoral Division, Part of an Electoral Division, District, County of a City or County of a Town, as in the said Act provided, shall be charged upon, and applotted, raised, and levied upon and from, the Occupiers of and other Persons rateable in respect of Lands and Hereditaments within such Barony, Half Barony, Electoral Division, Part of an Electoral Division, District, County of a City or County of a Town respectively, and rated under the then last preceding Rate or Rates made, or from Time to Time made, in respect of the same under the Provisions of an Act passed in the First and Second Years of the Reign of Her present Majesty, for the more effectual Relief of the destitute Poor in *Ireland*, and the several Acts amending the same, and shall be payable by the respective Rate-payers who under the said last preceding Rate or Rates shall have paid or contributed or been liable to pay or contribute Rate in respect of Property in such Barony, Half Barony, Electoral Division, Part of an Electoral Division, District, County of a City or County of a Town, according to the several Valuations and Proportions according to which respectively such last preceding Rate or Rates shall have been so made, charged upon, and payable by the Rate-payers in respect of such Land or Hereditaments respectively; and any such Sum of Money shall be applotted, assessed, and levied by the respective High Constable or Collector of Grand Jury Cess for or in such Barony, Half Barony, or Place as aforesaid as a Poundage Assessment equally upon the net annual Value of the several Lands and Hereditaments within such Barony, Half Barony, Electoral Division, Part of an Electoral Division, District, or County of a City or County of a Town respectively, rated as aforesaid, as such net annual Value shall have been stated in such last preceding Rate or Valuation as aforesaid: And whereas the Occupiers of such respective Premises rated as aforesaid may from Time to Time be changed:’ Be it therefore enacted, That where any Ratepayer or Rate-payers shall have ceased to occupy the rateable Property after the making of such last preceding Rate as aforesaid, all and every Sum and Sums of Money to be so raised and levied under the said Provision of the said recited Act, and all and every Sum and Sums of Money which shall be raised and levied under or in consequence of the Postponement of Payment and Conversions of Annuities hereby authorized, or any of them, shall be paid by the Person or Persons in the actual Occupation of the Lands and Hereditaments on which such Sum or Sums respectively shall be assessed at the Time of the Assessment thereof, and in the Default of any such Person or Persons, from the Person or Persons in the actual Occupation of the same Lands or Hereditaments from whom such Sum or Sums shall be demanded, subject to such Provisions as to Deduction from Rent as in the said Act of the First and Second Years of the Reign of Her present Majesty contained, so far as the same shall be applicable.

hereby empowered, to execute and carry into effect the several Powers and Purposes of this Act, and to apply the said Sums of Sixty thousand Pounds and Twenty-five thousand Pounds, or a sufficient Portion or sufficient Portions thereof, when and as the same shall be received by them as aforesaid, in or towards the Payment of the Costs, Charges, and Expenses which shall or may be incurred by them in or about the Execution of the several Powers and Purposes of this Act.

Alterations and
Improvements
to be effected.

II. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to make the several Alterations and Improvements in the Approaches to the Castle and Town of *Windsor* following; (that is to say,)

Upper or first-
mentioned
Bridge.

To construct a Bridge across the River *Thames* from a Point in the Parish of *Datchet* in the County of *Buckingham* near the Eastern End of a certain Island or Ayle in the River *Thames* known by the Name of *Blackpots* to the South Side of the said River in the Parish of *New Windsor* in the County of *Berks*, and to make a new Road from such intended Bridge upon, through, and over certain Parts of Her Majesty's *Home* or *Little Park*, and other Lands of Her Majesty, to or near to *Datchet Lane*, and to widen and improve *Datchet Lane* aforesaid from or from near the Site of the said intended Bridge to or near to the Residence of the Naval Knights, and from thence to make a new Road through Lands and Property belonging to the Dean and Canons of *Windsor* and others into *Thames Street, Windsor*, at or near the Foot of the Hundred Steps :

Also to pull down and remove the Houses and Buildings on the South and East Sides of *Thames Street* and the East Side of *High Street, Windsor*, from or from near the Foot of the Hundred Steps to the Foot of the *Castle Hill* nearly opposite to the Gateway to the *White Hart Inn*, and to widen and improve *Thames Street* and *High Street* on the same Sides thereof between the Hundred Steps and the *Castle Hill* aforesaid :

Also to stop up the public Road leading from the Town of *New Windsor* by *Frogmore* to or towards *Old Windsor* between the Point where the said Road falls into or crosses the North End of the *Long Walk* and a Point in the Parish of *New Windsor* near where such Road crosses the Boundary of the Parishes of *New Windsor* and *Old Windsor* near a House called the *Nelson Inn* in the Parish of *Old Windsor* :

Also to stop up all Roads, Ways, Paths, and Passages now leading into, upon, through, or over Her Majesty's *Home* or *Little Park*, or leading across the *Long Walk*, between a Point in the *Long Walk* Fifty Yards or thereabouts Northwards of the Double Gates and the Castle of *Windsor*; and in lieu thereof respectively to make a new Road leading out of the present *Sheet Street Road* near a Place called the *Magpie Style*, upon, through, or over certain

certain Lands of Her Majesty on the West Side of the *Long Walk*, passing from thence across or under the *Long Walk*, and running from thence in a South-easterly Direction, upon, through, and over certain Lands of Her Majesty called the *Shaw Farm* and *Clay Hall Farms* respectively, till such new Road falls into a Road or Way called *Clay Hall Lane* near the Junction of *Clay Hall Lane* with the Road leading from *New Windsor* to *Old Windsor* aforesaid; and to widen and improve that Portion of *Clay Hall Lane* from its Junction with the intended new Road aforesaid to the Road from *New* to *Old Windsor* aforesaid:

Also to make a new Road or Way leading out of the said Road from *New* to *Old Windsor* from a Point in the Parish of *New Windsor* nearly opposite to the *Nelson Inn* aforesaid, across a Field the Property of Her Majesty, to the River *Thames* in *New Windsor* aforesaid near the Junction of the Parishes of *Old Windsor* and *New Windsor* aforesaid; and to construct a Bridge from thence across the River *Thames* to the opposite Bank in the Parish of *Datchet* in the said County of *Buckingham*; and to make a new Road from such last-mentioned Bridge, through or over Property belonging to the Earl of *Harewood* and others, to or near to a Farmhouse called *Southley* Farmhouse in the Parish of *Datchet* aforesaid; and to divert, widen, and improve the present Road between *Southley* Farmhouse aforesaid and the Village of *Datchet*; and to make a new Road from the Village of *Datchet* aforesaid, along or near to the North Bank of the River *Thames*, to the herein-before mentioned intended Bridge near *Blackpots* aforesaid; and also to pull down and remove *Datchet Bridge*, and to stop up all Roads, Ways, Paths, and Passages in the Parish of *New Windsor* which now lead to or from such last-mentioned Bridge:

Lower or
second-mention-
ed Bridge.

Also to purchase and acquire, on behalf of Her Majesty, certain Lands and Houses situate, abutting on, or near to the said Road leading from *New Windsor* to *Old Windsor*, by *Frogmore* aforesaid, so proposed to be stopped up, and also situate, abutting on, or near to the said intended new Roads, and which said Roads, Bridges, and other Works, Matters, and Things, are or will be situate in and pass or will pass from, in, through, or into the several Parishes of *New Windsor* and *Old Windsor* in the said County of *Berks*, and the said Parish of *Datchet* in the County of *Buckingham*, or some of them:

Also to cross, divert, alter, or stop up, whether temporarily or permanently, all such Turnpike Roads, Parish Roads, Streets, and other Highways, Streams, Sewers, Pipes, Canals, Navigations, or Bridges within the said Parishes, or such of them as it may be necessary to cross, divert, alter, or stop up for the Purposes of the said Works, according to the Plan or Plans deposited with the Clerk of the Peace for the said County of *Buckingham* and with the Clerk of the Peace for the said County of *Berks*.

III. And

Commissioners
empowered to
construct
Bridges and
Roads.

III. And be it enacted, That for the Purposes aforesaid or any of them it shall be lawful for the said Commissioners to dig and make proper Foundations in the said River, and in the Lands on each Side thereof, and make Dams in the said River, and cut down and level the Banks thereof, and cut, remove, and take away all Trees, Roots of Trees, Beds of Gravel, Sand, or Mud, or other Impediment whatsoever, and do and execute every other Thing necessary or convenient for the Purposes aforesaid or any of them; and for the Purpose of erecting the said intended Bridges, and forming and completing such Roads as aforesaid, the said Commissioners shall have full Power and Authority from Time to Time to land on either Side of the said River, within One hundred Yards from the Sites of the said intended Bridges respectively, all Materials and other Things to be used in or about the same, and there to work and use such Materials and Things as the said Commissioners shall think proper, doing as little Damage as may be, and making such Satisfaction as herein-after mentioned to the respective Owners and Occupiers of the Lands and Hereditaments which shall be damaged or used for the Purposes of this Act; and the said firstly herein-before mentioned intended Bridge, when erected, shall from Time to Time and at all Times thereafter be upheld and kept in repair by and at the Expense of the *Windsor, Staines, and Southwestern* Railway Company, or their Assigns; and the said secondly herein-before mentioned Bridge, when erected in a proper and substantial Manner and certified to have been so erected by the President for the Time being of the Institute of Civil Engineers, or by the Railway Commissioners, or by some Person to be for that Purpose appointed by them, shall from Time to Time and at all Times thereafter be upheld and kept in repair by and at the Expense of the Person or Persons, Body or Bodies, County or Counties now liable to uphold and repair the said existing Bridge at *Datchet* so intended to be pulled down and removed as aforesaid; and the Liability to uphold and repair such last-mentioned intended Bridge shall be and is hereby substituted and imposed upon the said Person or Persons, Body or Bodies, County or Counties, in lieu of their Liability to uphold and repair the said existing Bridge: Provided always, that the Certificate of the proper Erection of such last-mentioned intended Bridge shall be deposited in the Offices of the Clerks of the Peace of the Counties of *Buckingham* and *Berks* respectively within Six Calendar Months after the Date thereof, to be there kept and preserved in the same Manner and under the same Rules and Regulations as the other Records of the said respective Offices.

Commissioners
not to expend
more than
85,000*l.* in the
Alterations, &c.
by this Act
authorized; and
Bridges, &c.
not to be com-

IV. Provided always, and be it enacted, That the Money to be expended by the said Commissioners in effecting the Alterations and Improvements by this Act authorized shall not exceed the Sum of Eighty-five thousand Pounds; and that it shall not be lawful to commence the Construction of the said Bridges or either of them unless and until a Contract or Contracts in Writing shall have been previously entered into for those Purposes

poses respectively, specifying the Works to be done, the Time within which and the Price for which they are to be completed; and by such Contract or Contracts the Contractor, with Two sufficient Sureties, shall be jointly and severally bound to Her Majesty in a sufficient penal Sum to complete the Works, at the Price, within the Time, and in the Manner by such Contract or Contracts to be limited and expressed.

menced until
Contracts entered
into as herein
specified.

V. And be it enacted, That a Copy of the said Plan or Plans so deposited as aforesaid, when signed by the Lord High Treasurer of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Treasurer of the United Kingdom of *Great Britain and Ireland*, or any Three of them, shall be deposited in the Office of Land Revenue Records and Inrolments, and shall remain in the said Office, to the end that all Persons may at all seasonable Times have Liberty to inspect the same, at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection.

Plans to be de-
posited in the
Land Revenue
Record Office,
and be open for
Inspection.

VI. And be it enacted, That no Alteration shall be made in the Lines or Sites of the said Roads, Bridges, and Approaches, as shown in such Plans, unless the same shall be approved by the said Lord High Treasurer, or the Commissioners for executing the Office of Lord High Treasurer for the Time being, or any Three or more of them.

No Alteration
shall be made
in Roads, &c.
without Con-
sent of the
Treasury.

VII. And be it enacted, That the said Commissioners, in making the said Roads, Bridges, and Approaches, shall not deviate more than One hundred Yards from the Lines described in the aforesaid Plans, without the Consent of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Tenements such Deviation shall be made.

No Deviation
to be made from
such Plans with-
out Consent.

VIII. And be it enacted, That the Ground and Soil of such Roads, Ways, Paths, and Passages as shall be so stopped up and inclosed, and the Fee Simple and Inheritance thereof, shall thereupon become and be vested in the Queen's most Excellent Majesty, Her Heirs and Successors.

Site of Roads
stopped up
vested in Her
Majesty.

IX. And be it enacted, That if any Person or Persons, having the Care of any Float, Raft, Boat, Barge, or other Vessel, or any other Person or Persons, shall, after being warned by any Person employed in the Construction of any of the Works by this Act authorized to be constructed, by passing or navigating over any Part of the said River where such Works are in progress, or otherwise, cause any Hindrance or Obstruction to the Execution of such Works or any of them, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered in such Manner as other Penalties and Forfeitures are by this Act directed to be recovered.

Penalty on Per-
sons obstructing
the Execution
of the Works.

X. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to raise or lower the Ground of any Streets or Ways which shall lead to or communicate with the said Bridges and Approaches, or any Part or Parts thereof respectively, making Compensation to the Owners

Power to Com-
missioners to
raise or lower
Streets, &c.,
making Com-
pensation.

of

Power to arch
over or fill up
Sewers and
Drains.

of Houses or Premises injured by such Alterations as shall be agreed on by and between the Parties.

XI. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to cause to be arched over or filled up all such Sewers and Drains, or Part or Parts thereof, which shall lie and be in or near the said Roads, Bridges, Approaches, and new Ways to be made, altered, diverted, or stopped up or inclosed as aforesaid respectively, as shall appear necessary for completing the Purposes of this Act, so that no public Sewer or Drain whatsoever, or any private Drain, shall be in anywise disturbed, injured, or prejudiced, without another Sewer or Drain being made in lieu thereof equally serviceable and convenient to the Individual or Neighbourhood.

Power to Com-
missioners to
raise, sink, or
alter Water and
Gas Pipes.

XII. And be it enacted, That it shall be lawful for the said Commissioners to raise, sink, or otherwise alter or cause to be altered the Position of any of the Steps, Areas, Cellars, Windows, and Water Channels, Pipes, or Spouts, belonging to any House or Houses, and also the Mains and the Leadcn or other Pipes which for the Purposes of conveying Water or Gas to any House or other Place shall be laid into or from any Main or Pipe laid down for supplying the Inhabitants with Water or Gas, and to remove all other Obstructions, so as the same respectively be done with as little Detriment and Inconvenience to the said Inhabitants as the Circumstances of the Case will admit.

Ground laid
into the Streets
to form Part of
the Roads, and
may be used by
the Public.

XIII. And be it enacted, That when the said Roads and Approaches shall be made in pursuance of this Act all the Land and Hereditaments which shall be laid open into the said Roads and Approaches shall form Part of the said Roads and Approaches, and shall be used by the Public accordingly; and such of the said Roads and Approaches as by the said Agreement are agreed to be repaired by the said Company shall be kept in repair by them for ever thereafter; and as to all such Roads and Approaches as may be locally situate within the Borough of *New Windsor*, the same shall be considered and be Part of the public Streets or Roads of the said Borough; and as to all other the Roads and Approaches to be made or altered under the Authority of this Act, such last-mentioned Roads and Approaches, when made or altered, shall be taken to be Parish Roads.

Power to take
Houses, after
Notice.

XIV. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to take and use, or cause to be taken and used, any Tenements or Hereditaments, and pull down or remove, or cause to be pulled down and removed, any Houses or Buildings which it may be deemed necessary and expedient to take or pull down and remove for the Purposes of this Act, at any Time after the Expiration of Six Calendar Months after Notice in Writing from the said Commissioners, or their Agent duly authorized, of their Intention to take or use the same, shall either be given to the principal Officer of the Body Politic, Corporate, or Collegiate, or to the Person or Persons, who shall be the Owners and Occupiers of any such Tenements or Hereditaments, or in case he, she, or
they

they cannot be found or ascertained, left at the usual or last Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of the same Tenements or Hereditaments, or shall be affixed upon the same Premises; and for the Purposes of this Act the Owner shall be any Person hereby capacitated to sell.

XV. And be it enacted, That no Tenements or Hereditaments, other than the Bed of the said River as aforesaid, shall be taken or made use of for the Purposes of this Act, except such as are mentioned in the Schedule hereto, or as are situated within the Limits of Deviation herein-before authorized, without the Consent of the Owner or Owners thereof first had for that Purpose.

No Houses, &c. to be taken without Consent, unless mentioned in Schedule.

XVI. And be it enacted, That it shall be lawful for the said Commissioners to purchase, take down, and use for the Purposes of this Act any of the Tenements and other Hereditaments described in the said Plan or Plans so deposited as aforesaid as intended to be taken for the Purposes of this Act, although the same Tenements and other Hereditaments, or the Name or Names of the Owner or Owners, Occupier or Occupiers thereof, may have been erroneously stated or omitted in the Schedule hereunto annexed, in case it shall appear to any Two or more of the Justices of the Peace of the County of *Berks* as regards Hereditaments situate in the County of *Berks*, and to any Two or more of the Justices of the Peace for the County of *Buckingham* as regards Hereditaments situate in the County of *Buckingham*, and be certified under their Hands, that such Error or Omission proceeded from Mistake or erroneous Information.

Houses and Lands may be taken, notwithstanding Errors in the Schedule, if certified by Two Justices.

XVII. And be it enacted, That it shall be lawful for the said Commissioners, and for their Surveyors, Officers, and Workmen, from Time to Time, at all seasonable Times in the Daytime, upon giving for the first Time Twenty-four Hours and afterwards from Time to Time Twelve Hours previous Notice in Writing, to enter into and upon all or any of the said Tenements and Hereditaments authorized to be taken and used as aforesaid, or any of them, for the Purpose of surveying or valuing the said Premises, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment on account of entering or continuing upon any Part or Parts of the said Tenements and Hereditaments, for the Damages that shall be thereby occasioned.

Power for Commissioners to enter for the Purpose of Survey, after Notice.

XVIII. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to treat and agree for the Purchase of any Tenements and Hereditaments which they may deem necessary for the Purposes of this Act to be taken and used by them, and of any subsisting Leases, Terms, Shares, Estates, and Interests therein and Charges thereon, or such of them or such Part or Parts thereof respectively as the said Commissioners shall think proper, and to enter into any Contract or Contracts which they may think fit.

Commissioners may treat for Purchase and enter into Contracts.

XIX. And be it enacted, That the Tenements and other Hereditaments which shall be purchased in pursuance of this

Property purchased to be conveyed to Her Majesty.

to be entitled to or to be authorized to receive in satisfaction or recompence for and on account of the Fixtures, and of the Injury or Damage sustained by him, her, or them, and of the Amount of the Sum or Sums of Money which he, she, or they may be willing to receive in satisfaction or recompence for the Value of such Estate, Share, Interest, or Charge, and also the Amount of the Sum or Sums of Money which he, she, or they may be willing to receive as Compensation for such Fixtures, and for such Injury or Damage respectively.

If Parties refuse to treat or shall not agree, a Jury to be summoned.

XXIV. And be it enacted, That if any Owners or Proprietors, Occupiers, Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Trustees, Femes Covert, or any other Person or Persons, seised, possessed of, or interested in any Tenement or Hereditament, or any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, which the said Commissioners are hereby empowered to purchase for the Purposes aforesaid, shall neglect or refuse to treat or shall not agree in the Premises, or by reason of Absence or Disability shall be prevented from treating with the said Commissioners, or with the Person or Persons authorized by them, for the Sale and Disposal of their respective Estates and Interests therein, or cannot be found or known, or shall not produce and evince a clear Title to the Premises they may be in possession of, or to the Interest they shall claim therein, to the Satisfaction of the said Commissioners, then and in every or any such Case the Sheriff of the County of *Berks* or his Under Sheriff as regards any Hereditaments which may be situate within the County of *Berks*, and the Sheriff of the County of *Buckingham* or his Under Sheriff as regards any other Hereditaments, or in case any such Sheriff or Under Sheriff shall be in anywise interested in the Matter in question, then the Coroner or some or one of the Coroners of the said Counties of *Berks* and *Buckingham* respectively, as the Case may be, not interested therein, shall, upon the Warrant of the said Commissioners, and he and they is and are hereby required and authorized, to cause it to be inquired into and ascertained upon the Oaths of a Jury of Twelve indifferent Men of the said County of *Berks* as regards Hereditaments within the said County, and of the said County of *Buckingham* as regards any other Hereditaments, which Oaths the said Sheriff, Under Sheriff, or Coroner is hereby empowered and required to administer, what Damages will be sustained by and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons interested, for the Value of such Tenements and Hereditaments, and of the proportionable Value of the respective Estates and Interests of every Person or Persons seised or possessed thereof or interested therein, or of or in any Part thereof, and assess and award the Sum or Sums of Money to be paid to such Person or Persons, Party or Parties respectively, for the Purchase of such Tenements or Hereditaments, and of such respective Estates and Interests therein, and for any Injury or Damage whatsoever that may affect any such Person

or Persons, Party or Parties, provided such Compensation shall be estimated by what, in the Opinion of such Jury, the Premises would have been worth, in case the Alterations or Improvements intended by this Act had not been in contemplation, and also for and on account of the taking of such Tenements or Hereditaments for the Purposes of this Act; but no Sum of Money shall be awarded for or in respect of any Building or Improvement which in the Opinion of such Jury shall have been constructed or made with a view to obtaining Compensation under this Act, beyond the actual Cost of building and the Materials used; and the said Jury, in estimating such Recompence and Satisfaction, shall take into their Consideration the Increase or Depreciation in Value of the Residue of any Property of which such Tenements or Hereditaments shall form Part; and in order thereto the said Sheriff, Under Sheriff, or Coroner is and are hereby empowered and required, from Time to Time as Occasion shall require, to summon and call before the said Jury and examine upon Oath all and every Person or Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises; which Oath the said Sheriff, Under Sheriff, or Coroner is and are hereby empowered to administer; and such Sheriff, Under Sheriff, or Coroner respectively shall order and cause the said Jury to view the Places in question (if there be Occasion), and use all other lawful Ways and Means, as well for his and their own as for the said Jury's better Information in the Premises, as the said Sheriff, Under Sheriff, or Coroner shall think fit; and after the said Jury shall have inquired of and ascertained and settled such Damage, Recompence, and Satisfaction, the said Sheriff, Under Sheriff, or Coroner shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid by the said Commissioners to the said Owners or Occupiers of or other Persons interested therein, according to such Verdict or Inquisition; which said Verdict or Inquisition and Order so had and made shall be final, binding, and conclusive, to all Intents and Purposes, upon and against all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as other Parties or Persons whomsoever; and for the summoning and returning all such Jury or Juries the said Commissioners are hereby empowered to issue their Warrant or Warrants to the said Sheriff, Under Sheriff, or Coroner to summon, impanel, and return, at some convenient Place in the said County of *Berks* or in the said County of *Buckingham* (as the Case may be), a Jury of not less than Thirty-six or more than Forty-eight honest and indifferent Men, qualified according to Law to be returned for Trials of Issues in Her Majesty's Courts of Record at *Westminster*, to appear before the said Sheriff, Under Sheriff, or Coroner at such Time and Place as in such Warrant shall be appointed; and Fourteen Days Notice at the least in Writing under the Hands of the said Commissioners of the Time and Place at which such Jury are so required to be returned shall be given to such Owners, Proprietors,

tors, Occupiers, Corporations, Trustees, or any other Person or Persons interested in the Premises, before the Time of meeting of the said Jury, by leaving such Notice at the Dwelling House of such Person or Persons, or of the head Officer of such Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued; and the said Sheriff, Under Sheriff, or Coroner is and are hereby empowered to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Sheriff, Under Sheriff, or Coroner shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Sheriff, Under Sheriff, or Coroner shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, (being qualified as last aforesaid,) to the Number of Twelve; and it shall be lawful for all Persons concerned, by themselves, their Counsel, Solicitors, and Agents, to attend and be heard and to adduce Evidence before the said Sheriff, Under Sheriff, or Coroner respectively; and such Persons shall also have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array.

Where Part of Property is taken, and Parties cannot agree as to the Value of the Remainder, a Jury shall be summoned to assess the same.

XXV. And be it enacted, That if the Owner, Lessee, or Occupier of any Tenements or Hereditaments authorized to be taken by virtue of this Act shall not be inclined to sell or part with the whole thereof, or of his or her Interest in the whole thereof, and it shall not be found necessary to take the whole for the Purposes of this Act, and the said Parties cannot agree as to the Sum of Money to be paid for the Part which the said Commissioners shall not think it necessary to purchase, then and in such Case the Jury which shall be summoned to value the Premises shall assess the Value of the whole Premises according to the Condition in which they are at the Time of taking the View, and also the Value of that Part of the Premises which will remain after the said Commissioners have taken away so much as they shall think necessary for the Purposes of this Act, and in such last Valuation the said Jury shall take into their Consideration the Improvement or Depreciation which the Remainder of the Premises is likely to receive or sustain from the Alteration intended to be made, and, the Jury having made these Two Valuations, the Difference between them shall be the Price to be paid by the said Commissioners for that Part which they shall have Occasion for, and such Price shall be recorded as the Verdict of the Jury for the Value of the same.

No Jury to award Compensation without Notice given to Commissioners of Amount claimed.

XXVI. And be it enacted, That no Jury to be summoned by virtue of this Act shall be allowed to assess or award any Sum or Sums of Money to any Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, by way of Compensation for Tenants Fixtures, or any Injury or Damage alleged to have been sustained by him or them by reason or means of this Act, or anything which shall or may be done in the Execution hereof, unless

unless such a Statement as herein-before is mentioned of the Particulars of every such Claim, and how and in what Manner the Amount thereof is made out and computed, shall have been given to the said Commissioners, or left at their Office as aforesaid, by and on behalf of such Person or Persons, Ten Days at least before the Time of meeting of such Jury.

XXVII. And be it enacted, That if the Sheriff, Under Sheriff, or Coroner so directed to summon and return a Jury as aforesaid shall make default in the Premises he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, to the Party who shall be prejudiced or injured thereby, to be recovered, with full Costs of Suit, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned as a Witness shall not appear, or appearing shall refuse to be examined or to give Evidence; any Person so offending, having no reasonable Excuse, to be allowed by the Justices herein-after mentioned, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; which several and respective Penalties shall and may be levied by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the said County of *Berks* or of the said County of *Buckingham* (as the Case may be), by Distress and Sale of the Goods and Chattels of the Person so offending, the Person making such Distress and Sale rendering to him or her the Overplus of the Money thereby produced (if any), after such Penalty, and the Charges of such Distress and Sale, shall be deducted; and all such Fines shall be paid to the said Commissioners, to be applied for the Purposes of this Act.

Penalty on Sheriff, Jury, and Witnesses for Neglect of Duty.

XXVIII. And be it enacted, That in all Cases in which a Verdict shall be given for the Value of any Tenements or Hereditaments, or Share or Shares therein, the Jury shall, if required so to do by or on behalf of the said Commissioners, inquire of, assess, and ascertain the Value of the Fee Simple of the Entirety of the said Premises, and shall afterwards apportion and divide the Value so ascertained between and among all the different Shares and Charges which shall be claimed therein, and also between different Parts of the said Tenements or Hereditaments alleged to be held under different Titles: Provided always, that the Verdict of any Jury shall not defeat or prejudice any Contract or Sale which shall have been previously made of any Share or Charge, although the Value of the same may be ascertained to be different from the Amount of the Price, Recompence, or Satisfaction agreed to be paid for the same.

Jury shall, if required, assess Value of Fee Simple, and then apportion the Value of respective Interests therein.

XXIX. And be it enacted, That the Jury and Juries so to be summoned as aforesaid shall award all Determinations, Judgments, and Verdicts which they shall make and give, in execution of the Powers hereby vested in them, concerning the Value of

Value of Tenements and Damages to be awarded separately.

Tenements or Hereditaments, or of any Share or Shares, Estate or Estates, Interest or Interests therein, or any Charge or Charges thereon, separately and distinctly from the Consideration of any Loss of Goodwill to which the Occupier may personally be entitled, or any other Loss or Damage to be sustained by any Person or Persons in consequence of the Execution of the Powers of this Act, and shall distinguish the Value set upon the Hereditaments, or Share or Shares, Estate or Estates, Interest or Interests therein, Charge or Charges thereon, and the Money assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid, separately and apart from each other; and when any Money shall be assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid, the Jury shall, if required by the said Commissioners, award and declare whether the Statement delivered by the Claimant or Claimants of the Manner in which any Amount of the Money which shall have been demanded as a Compensation for the same has been computed and made up gave sufficient Particulars to enable the said Commissioners to make a proper Offer.

Providing for
Expenses of
summoning ;
Juries.

XXX. And be it enacted, That in case any Jury to be summoned and sworn pursuant to the Authority of this Act shall give in a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Rights, Interests, or Property of any Person or Persons in any such Tenements or Hereditaments, or for any such Injury or Damages as aforesaid, than shall have been agreed to be given and offered for the same in the aggregate by the said Commissioners before the summoning and returning of such Jury, or where by reason of Absence in Foreign Countries, or other Incapacity or Disability as aforesaid, there shall not be found any Person or Persons legally capacitated to enter into any Contract with the said Commissioners, then and in every such Case all the reasonable Costs, Charges, and Expenses of causing and procuring such Recompence or Satisfaction to be assessed by a Jury shall be settled by the Sheriff, Under Sheriff, or Coroner before whom such Claim shall have been tried, and shall be paid by the said Commissioners; but in every Case in which any Jury so summoned and sworn as aforesaid shall be of opinion that the Statement delivered by the Claimant or Claimants of the Manner in which any Amount of Money which shall have been demanded as a Compensation has been computed and made up did not give sufficient Particulars to enable the said Commissioners to make a proper Offer, and in every Case in which any such Jury shall give in a Verdict or Assessment for no more or less Money, as such Recompence or Satisfaction as aforesaid, than shall have been agreed to and offered by the said Commissioners in the aggregate for the same before the summoning and returning of the said Jury, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or where the causing such Jury to be summoned shall have arisen from a Refusal to treat with the said Commissioners by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of

of this Act or otherwise legally empowered to treat, then (except where by reason of Absence such Person shall be prevented from treating with the said Commissioners) all such Costs, Charges, and Expenses, to be settled by such Sheriff, Under Sheriff, or Coroner in manner aforesaid, shall be paid to the said Commissioners by the said Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons, so claiming such Compensation or refusing to treat as before mentioned respectively, save only and except where by reason of Absence or other like Cause any Person shall have been prevented from treating as aforesaid, in which Case no Costs, Charges, or Expenses shall be allowed to either Party as against the other; and all Costs, Charges, and Expenses hereby directed to be paid to the said Commissioners shall and may be deducted and retained by them out of the Money so adjudged or assessed to be paid by them as so much Money advanced to and for the Use of the Person and Persons entitled to such Money so adjudged, and Payment or Tender of the Remainder of such Money shall be deemed and taken to be a Payment or Tender of the whole Sum or Sums so adjudged or assessed, or in case no Money or no sufficient Sum of Money shall be awarded or assessed to be paid by the said Commissioners whereout such Costs, Charges, and Expenses can be deducted, then the same shall and may be recovered, by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the County of *Berks* or County of *Buckingham* (as the Case may be), by Distress and Sale of the Goods and Chattels of the Person or Persons liable to the Payment of the same, the Party making such Distress and Sale rendering to such Person or Persons as aforesaid the Overplus of the Money thereby produced (if any), after such Costs, Charges, and Expenses, and the Charges of such Distress and Sale, shall be deducted.

XXXI. And be it enacted, That a Minute or Docquet of all the said Judgments and Verdicts shall be recorded in the Office of Land Revenue Records and Inrolments; and all such Judgments and Verdicts shall be afterwards deposited with the Clerk of the Peace of the said County of *Berks* or the said County of *Buckingham* (as the Case may be), to be kept and preserved by him amongst the Records of the Quarter Sessions of the said County, and shall be deemed to be Records to all Intents and Purposes whatsoever, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every Seventy-two Words, and so in proportion for any less Number of Words.

XXXII. And be it enacted, That if in any Case the Owner or Owners of any House or Building, or of any Yard or Curtilage occupied therewith, Part only of which shall be required by the said Commissioners for the Purposes aforesaid, shall be unwilling to sell or dispose of such Part only of such House, Building,

Verdicts to be recorded, and afterwards deposited with the Clerk of the Peace, to be Evidence, and open to Inspection.

If Owners are unwilling to sell Part of Houses, &c. Commissioners to purchase the whole.

If Owners and Commissioners shall not agree, Value to be settled by a Jury.

Persons holding under Leases to produce the same.

In case of Disputes as to Damage of small Amount, the same to be settled by Two Justices.

Building, Yard, or Curtilage as shall be required by the said Commissioners, it shall be lawful for the said Commissioners and they are hereby required, at the Option of any Owner or Owners of any such House, Building, Yard, or Curtilage, to purchase from the said Owner or Owners the whole or such Part thereof, over and above such Part thereof as may be wanted for the Purposes of this Act, as such Owner or Owners shall think fit, and to apply so much and such Part thereof as the said Commissioners shall see fit for the Purposes aforesaid; and if such Owner or Owners shall not or cannot agree with the said Commissioners for the Price to be paid for the Purchase of the whole or such Part as aforesaid of such House, Building, Yard, or Curtilage, then the Value thereof shall be settled and ascertained by a Jury in such Manner as the Price for any Premises to be taken in pursuance of this Act is directed to be settled and ascertained, and all such other Proceedings shall take place respecting the said Premises as are herein-before directed with respect to the Premises the Value of which shall be ascertained by a Jury in manner aforesaid.

XXXIII. And be it enacted, That in all Cases in which any Person or Persons shall claim any Satisfaction or Compensation in respect of any unexpired Term or Interest which he, she, or they shall claim to be possessed of or entitled unto in any Tenements or Hereditaments intended to be taken or used under the Authority of this Act, under or by virtue of any Demise or Lease, or Agreement for Demise or Lease, or Grant thereof, the said Commissioners are hereby authorized to require such Person or Persons to produce or show the Demise or Lease, or Agreement for Demise or Lease, or Grant, in respect of which such Claim to Satisfaction or Compensation shall be made, or the best Evidence thereof in his, her, or their Power; and if such Demise or Lease, or Agreement for Demise or Lease, or Grant, or such best Evidence thereof as aforesaid, shall not be produced or shown within Twenty-one Days after Demand made by the said Commissioners, or any Person by them authorized, the Person or Persons claiming such Satisfaction or Compensation shall be considered and treated as holding only from Year to Year.

XXXIV. And be it enacted, That in case any Difference shall arise between the said Commissioners and any of the Owners or Occupiers of the Property to be taken or used for the Purposes of this Act, as to the Amount or Value of the Damages done by the said Commissioners, their Agents or Workmen, to such Property, in the Execution of the Powers of this Act, and such Difference cannot be adjusted and settled between the Parties, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Fifty Pounds, be ascertained and determined by some Two or more Justices of the Peace for the County of *Berks*, if the Property is situate in that County, and for the said County of *Buckingham*, if the Property is situate in that County, who, upon Application made to them by both or either of the said Parties, shall examine into the

the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Commissioners; and such Magistrates may examine Witnesses and administer Oaths, in all respects, and with the same Consequences as to false Swearing, as if the same were a judicial Matter brought before them on which they were by Law entitled to adjudicate.

Justices may administer Oaths.

XXXV. And be it enacted, That all Sums of Money, or other Consideration, Recompence, or Satisfaction to be made or paid pursuant to any such Agreement or Verdict as aforesaid, shall be paid or tendered to the Party or Parties entitled to the same, or into the Bank of *England*, as herein mentioned, before the said Commissioners, or any Person or Persons authorized by them, shall proceed to take possession or pull down any House or Houses or other Erection or Buildings comprised in or affected by such Agreement or Verdict respectively, or to use the Ground for any of the Purposes of this Act.

Commissioners not to take possession till Purchase Money is paid or tendered.

XXXVI. And be it enacted, That if any Body or Bodies, Person or Persons, seised or possessed of or interested in any such Tenements or Hereditaments, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, as aforesaid, cannot be found, or shall not be known or ascertained, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance or Conveyances thereof, then and in any of such Cases, upon Payment of such Sum or Sums of Money as shall have been contracted and agreed, or shall have been assessed and awarded by any Referee or Referees, or by any Jury or Juries, in manner aforesaid, to be paid for the Purchase of or for the Value of the same Premises, into the Bank of *England*, as herein-after directed and required (in case the same shall be requisite), for the Use of such Person or Persons so interested or entitled as aforesaid in or to such Tenements or Hereditaments, or Parts, Shares, Estates, Interests, or Charges, the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Body or Bodies, Person or Persons, or unknown Person or Persons, to whose Credit such Money shall be paid, in, to, and out of the Tenements and Hereditaments to be purchased as aforesaid, shall from thenceforth vest in the Queen's most Excellent Majesty, Her Heirs and Successors, who shall be deemed in Law to be in the actual Seisin and Possession thereof to all Intents and Purposes, freed and discharged from all former and other Estates, Rights, Titles, and Interests, Claims and Demands, as fully and effectually as if every Body or Person having any Estate in the Premises had actually conveyed the same by Bargain and Sale enrolled, with the Assent of any Protector of the Settlement whose Assent might be necessary, or Feoffment with Livery of Seisin, or any other Conveyance or Assurance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and

In case Parties cannot be found, or are not able to make a good Title, &c., Commissioners may take possession, on Payment of Purchase Money into the Bank of *England*.

Demand

Demand of the Body or Bodies, Person or Persons, or unknown Person or Persons, of, in, and to the same Premises, to whose Credit such Payment or Tender shall have been made, but also shall extend to and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person or Persons, and all Estates Tail and other Estates in possession, reversion, remainder, expectancy, or contingency, and the Issue and Issues of such Person or Persons and every other Person whomsoever, and the same Premises shall and may thereupon be pulled down, made use of, and employed by the said Commissioners for the Purposes of this Act.

Application of
Purchase Money
when amount-
ing to 200*l*.

XXXVII. And be it enacted, That if any Money shall be agreed or assessed to be paid for any Tenements or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, or for any other Right, Matter, or Interest of what Nature or Kind soever, purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, or not legally entitled absolutely to dispose of the Premises by the Sale of which such Money shall be produced, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, pursuant to the Method prescribed by an Act passed in the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds and Indorsements thereon, and likewise Indorsements on South Sea Bonds*, and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of England belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant General of the said Court*, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon Petition to be preferred in a summary Way by the Body or Bodies, Person or Persons, who would have been entitled to the Rents and Profits of the said Tenements or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or any Part thereof, as the said Court shall authorize to be paid, affecting the same Tenements or Hereditaments, or
Part

12 G. 1. c. 32.

1 G. 2. c. 24.

Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, or affecting other Tenements or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; and where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Tenements or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid the Dividends of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Tenements and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

XXXVIII. Provided also, and be it enacted, That if any Money so agreed or assessed to be paid for any Tenements or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, purchased, taken, or used for the Purposes aforesaid, belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in any such Cases the same shall, at the Option of the Body or Bodies, Person or Persons, for the Time being entitled to the Rents and Profits of the Hereditaments, or Parts, Shares, Estates, Interests, or Charges, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Chancery, and to be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two or more Trustees, to be nominated by the Body or Bodies, Person or Persons, making such Option, and approved of by the said Commissioners, such Nomination and Approbation to be signified in Writing under the Hands and Seals of the nominating and approving Parties, in order that such Principal Money,

When less than
200*l.* and
amounting to
20*l.*

Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Where less
than 20*l*.

XXXIX. Provided always, and be it enacted, That where such Money so agreed or assessed to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Hereditaments, Parts, Shares, Estates, Interests, and Charges, so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit; or in case of the Infancy or Lunacy of such Person or Persons, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not
making out
Titles, &c. Purchase Money
to be paid into
the Bank.

XL. And be it enacted, That in case the Body or Bodies, Person or Persons, to whom any Sum or Sums of Money shall be agreed to be paid, or shall be awarded by any Referee or Referees or Umpire, or by any Jury or Juries, for the Purchase of any Tenements or Hereditaments, or any Parts, Shares, Estates, or Interests therein, or Charges thereon, to be purchased, taken, or used by virtue of this Act, shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance or Assignment thereof, or in case the Person or Persons to whom such Sum or Sums of Money shall be so agreed or awarded to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Tenements or Hereditaments, Parts, Shares, Estates, Interests, or Charges, be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners to pay the said Sum or Sums of Money so awarded or agreed to be paid as aforesaid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Party or Parties, if known, who shall be interested in the said Tenements or Hereditaments, Parts, Shares, Estates, Interests, or Charges, (describing such Tenements or Hereditaments,) but if such Party or Parties shall not be known, then to the Credit of the said Commissioners, subject to the Order, Control, or Disposition of the said Court of Chancery; which said Court, on the Application of any Body or Bodies, Person or Persons, making claim to any such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and the same is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Body or Bodies, Person or Persons, making claim thereunto, and to make such other Order in the Premises as to the
said

said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XLI. And be it enacted, That where any Question shall arise touching the Title of any Body or Bodies, Person or Persons, to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Chancery, in pursuance of this Act, for the Purchase of any Tenements or Hereditaments, or Part or Parts thereof, or of any Estate, Right, Title, Charge, or Interest in, to, or upon any Tenements or Hereditaments to be purchased or taken in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends of any such Bank Annuities, the Body or Bodies, Person or Persons, who shall have been in possession of such Tenements or Hereditaments, Parts, Shares, Estates, Interests, or Charges, at the Time of such Purchase, and all Body or Bodies, Person or Persons, claiming under such Body or Bodies, Person or Persons, or under the Possession of such Body or Bodies, Person or Persons, shall be deemed and be taken to have been lawfully entitled to such Tenements and Hereditaments, Parts, Shares, Estates, Interests, or Charges, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Chancery, and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Tenements or Hereditaments, or Part or Parts thereof, or to some Estate or Interest therein or Charge thereon.

Persons in possession shall be deemed entitled, until the contrary be shown.

XLII. And be it enacted, That where, by reason of any Disability or Incapacity of the Body or Bodies, Trustee or Trustees, Corporation, or other Person or Persons entitled to any Tenements or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, to be purchased or taken under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, and to be applied in the Purchase of other Tenements or other Hereditaments to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expenses of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expenses as the said Court shall deem reasonable, to be paid by the said Commissioners, who shall from Time to Time pay such Sum

Court may order Expenses of Purchase to be paid by Commissioners.

When Lands required are subject, with other Lands, to any Rent, the Money paid into the Bank to be laid out in the Purchase of other Estates in lieu of the Lands required.

Sum or Sums of Money out of the Monies applicable to the Purposes of this Act as the said Court shall direct.

XLIII. And be it enacted, That where the Money awarded to be paid for any Tenements or Hereditaments which shall be taken for the Purposes of this Act shall be paid into the Bank of *England*, in manner herein-before directed, in consequence of a good Title not having been made to such Tenements or Hereditaments to the Satisfaction of the said Commissioners, or any Person or Persons authorized by them, by reason of the same Tenements or Hereditaments respectively being subject, together with other Hereditaments not required for the Purposes of this Act, to a Rent payable to some Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, unable or unwilling to release therefrom the Tenements or Hereditaments so to be taken, then and in every or any such Case the Tenements or Hereditaments for the Value of which the Money to be paid into the Bank, together with the Money (if any) to be retained for Costs and Charges under the Authority of this Act, shall be assessed and awarded to be paid, shall be and are hereby released and for ever discharged from such Rent, and all Claims and Demands in respect thereof; and the Money to be paid into the Bank of *England* shall be laid out and invested, under the Direction and with the Approbation of the said Court of Chancery, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Body or Bodies, Person or Persons, who would have been entitled to the Rents and Profits of the Tenements and Hereditaments for the Value of which such Money respectively shall have been paid as aforesaid, in the Purchase of other Tenements or Hereditaments, which shall be conveyed and settled (subject, together with such other Tenements or Hereditaments, to such Rent,) to the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Tenements or Hereditaments so to be taken as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court, upon Application thereto, be invested by the Accountant General of the said Court in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the said Tenements or Hereditaments hereby directed to be purchased, in case such Purchase and Settlement were made; and the Tenements or Hereditaments so to be purchased and settled shall be subject to the Rent to which the same shall be declared

as aforesaid in the Conveyance and Settlement thereof to be subject, in the same Manner, to all Intents and Purposes, as the Tenements or Hereditaments taken or to be taken for the Purposes of this Act as aforesaid were subject thereto; and the Body or Bodies, Person or Persons, to whom such Rent shall be payable, shall have such and the same Powers and Remedies for enforcing the Payment thereof or of any Part thereof out of or upon the Tenements or Hereditaments so to be comprised in such Conveyance and Settlement, and declared to be subject thereto, as they, he, or she would have been entitled to if such Rent had originally been reserved out of or charged upon the same instead of the Tenements or Hereditaments to be taken for the Purposes of this Act, and in the same Manner, to all Intents and Purposes, as such Rent was reserved out of or charged upon such last-mentioned Tenements or Hereditaments, together with the other Tenements or Hereditaments subject thereto; and in the meantime and until such Purchase shall be made it shall be lawful for the said Court of Chancery, if the said Court shall think proper, upon Application thereto, to order any Part of the Dividends and annual Produce of the Bank Annuities in which the said last-mentioned Money shall be invested to be paid from Time to Time to the Body or Bodies, Person or Persons, for the Time being entitled to the said Rent, in discharge thereof or Part thereof, as the Case may be.

XLIV. And be it enacted, That where any Tenements or Hereditaments purchased or intended to be purchased by the said Commissioners shall be subject solely, or jointly with other Tenements or Hereditaments not intended to be purchased, to or with any Rent Service, Rent-charge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the said Commissioners to agree for the Release of the Tenements or Hereditaments so purchased or intended to be purchased from such Rent, Payment, or Incumbrance, and also (where necessary or convenient) for any Apportionment of such Rent, Payment, or Incumbrance, for such gross Sum as shall be agreed upon between the said Commissioners and the Party who under the Provisions of this Act shall agree to sell or apportion the same, and which Agreement may be entered into by all Persons and Corporations by this Act authorized and empowered to sell or convey Tenements or Hereditaments; and the Monies to be paid shall be paid and applied in manner herein-before directed with regard to the Purchase Monies on the Sale of Tenements or Hereditaments; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Tenements or Hereditaments is by this Act directed to be settled in case of Dispute as to the Value thereof; which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Tenements or Hereditaments purchased or intended to be purchased, and shall also (where

Power to purchase Release of Incumbrances, and to apportion the same.

necessary or convenient) apportion the Rent, Payment, or Incumbrance affecting the Tenements or Hereditaments jointly subject to the Rent, Payment, or Incumbrance, as herein-before mentioned, according to the respective Values of the Tenements or Hereditaments purchased or intended to be purchased, and of the Tenements or Hereditaments not purchased or intended to be purchased by the said Commissioners; and all Contracts, Conveyances, and Assurances which shall be made by and between or to the said Commissioners and any such Party as aforesaid, respecting such Releases, shall be valid and effectual in the Law, and shall extinguish the whole or a proportionate Part of such Rent, Payment, or Incumbrance (as the Case may be): Provided always, that where the Party entitled to such Rent, Payment, or Incumbrance shall consider the remaining Part of the Tenements or Hereditaments so jointly subject to be a sufficient Security for such Rent, Payment, or Incumbrance, and shall be willing to release the Tenements or Hereditaments so purchased by the said Commissioners therefrom, then and in such Case it shall be lawful for the Party entitled by this Act or capacitated to apportion such Rent, Payment, or Incumbrance, or to release the Tenements or Hereditaments so purchased therefrom, (with the Consent of the Owner of the Tenements or Hereditaments so purchased, and also of the Owner of the Tenements or Hereditaments so jointly subject as aforesaid,) to release the Tenements or Hereditaments so purchased as aforesaid from the Rent, Payment, or Incumbrance so affecting the same as aforesaid jointly with other Tenements or Hereditaments, on condition or in consideration of such other Tenements or Hereditaments continuing or remaining wholly and exclusively subject to the whole of such Rent, Payment, or Incumbrance, and thereupon such other Tenements or Hereditaments shall in all respects continue so liable, and as if no Part of the Hereditaments charged had been released: Provided also, that when any of the Tenements or Hereditaments purchased by the said Commissioners shall be released from a Part only of any Rent, Payment, or Incumbrance affecting the same jointly with other Tenements or Hereditaments not purchased by the said Commissioners, such last-mentioned Tenements or Hereditaments shall be charged only with the Remainder of such Rent, Payment, or Incumbrance; and such Apportionment shall not prejudice the Title to the remaining Rent, or the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Tenements or Hereditaments not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released it shall be lawful for the said Commissioners, on Tender for that Purpose of any Deed or Instrument creating or transferring the Remainder of such Rent, Payment, or Incumbrance, to endorse a Memorandum on such Deed or Instrument, declaring what Part of the Tenements or Hereditaments originally subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of
of

of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrance which shall continue payable; and such Memorandum shall be Evidence in all Courts of the Facts therein stated, but shall not exclude any other Evidence of the same Facts.

XLV. And be it enacted, That in all Cases in which a Part only of any Tenements or Hereditaments comprised in any Lease or Agreement for a Lease for a Term of Years unexpired, or for a Life or Lives, or for a Term determinable on a Life or Lives, shall be required for the Purposes of this Act, the Rent payable in respect of any Tenements or Hereditaments comprised in such Lease or Agreement for Lease shall be apportioned between the Tenements or Hereditaments required for the Purposes of this Act and the Residue of such Tenements and Hereditaments; and such Apportionment shall, in case the same shall not be agreed upon between the Parties, be settled by the Verdict of a Jury, if required, in like Manner as the Price of any Tenements or Hereditaments to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof; and in case such Apportionment shall be settled by Agreement between the Parties, such Agreement shall be made with, and shall not be valid without, the Consent of the Lessor from whom such Tenements or Hereditaments are holden or agreed to be holden, and any Person hereby capacitated to sell who shall be a Lessor shall be capacitated to assent, and to bind the Property in respect of such Assent; and after such Apportionment the Tenant or Lessee of the Tenements or Hereditaments comprised in such Lease or Agreement for Lease shall, as to all future accruing Rent, be liable only to so much of the Rent reserved in such Lease or Agreement for Lease as shall have been apportioned in respect of the Tenements or Hereditaments not required for the Purposes of this Act; and the Lessor of the said Tenements or Hereditaments shall have all such and the same Remedies for the Recovery of the Rent so apportioned, in respect of the Tenements or Hereditaments not required for the Purposes of this Act, as before such Apportionment he had or was entitled to in respect of the Rent reserved or agreed to be reserved in such Lease or Agreement for Lease; and such Apportionment shall not prejudice or affect any of the Covenants, Conditions, or Agreements in such Lease or Agreement for Lease contained, so far as the same relate to the Tenements or Hereditaments comprised in such Lease or Agreement for Lease, and not required for the Purposes of this Act, but the same shall, as to such last-mentioned Tenements or Hereditaments, but no further or otherwise, continue in full Force and Operation.

Rents reserved
in Leases to be
apportioned.

XLVI. And be it enacted, That all Bodies Politic, Corporate, and Collegiate, Trustee and Trustees, and all other Persons having any Mortgage on any Tenements or Hereditaments which shall be required to be taken for the Purposes of this Act, (and whether entitled thereto in their own Right or in

Mortgagees,
upon Tender
made by the
Commissioners,
shall convey
their respective
Interests.

trust for any Body or Bodies, Person or Persons, and whether in possession of such Tenements or Hereditaments by virtue of such Mortgage or not, and whether such Mortgage shall affect such Tenements or Hereditaments solely, or jointly with any other Tenements or Hereditaments which shall not be so required,) shall, on Payment or Tender by the said Commissioners, or by any Person by them authorized, of the Principal Money and Interest secured by or due on such Mortgage, and whether such Principal Money shall under the Terms of such Mortgage be then actually payable or not, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money, (which Tender and Payment the said Commissioners are hereby authorized to make, and to deduct the same from any Sum agreed or directed to be paid for the Estate or Interest of the Party or Parties entitled to the Equity of Redemption of and in the Tenements or Hereditaments so mortgaged, in case the same shall be sufficient for the Purpose,) immediately convey, assign, and transfer the respective Interests of such Mortgagees in the Tenements or Hereditaments which shall be so required, to the Queen's most Excellent Majesty, Her Heirs and Successors, or to such Person as the said Commissioners shall appoint, in trust for Her Majesty; or in case such Mortgagees shall have Notice in Writing from the said Commissioners, or from the Party or Parties entitled to the Equity of Redemption of and in the same Tenements or Hereditaments, that they will pay off the Principal Money and Interest which shall be due on such Mortgage at the End of Six or any less Number of Calendar Months, to be computed from the Day of giving such Notice, then at the End of such Six or less Number of Calendar Months, on Payment or Tender by the said Commissioners of the Principal Money and Interest which would become due at the End of Six Calendar Months from the Time of giving such Notice, together with any just Costs then due, such Mortgagees shall convey, assign, and transfer their respective Interests in the Tenements or Hereditaments which shall be so required for the Purposes of this Act, to the Queen's most Excellent Majesty, Her Heirs and Successors, or as the said Commissioners shall direct; and in case such Mortgagees shall refuse to convey, assign, or transfer as aforesaid, on such Payment or Tender respectively as aforesaid, then, on Payment of such Money, Interest, and Costs into the Bank of *England*, as herein-after mentioned, all Interest on every such Mortgage Debt, and all Claim and Right of every such Mortgagee thereto, shall thenceforth cease and determine: Provided always, that in case any such Mortgagee shall in either of the Cases aforesaid neglect or refuse to convey, assign, or transfer as aforesaid, then, upon Payment of the Principal Money and Interest, and the Costs (if any), due on any such Mortgage as aforesaid, into the Bank of *England*, at or at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or as soon after as possible, or in lieu of such Notice, and in addition to the said other Monies, of Six Calendar Months Interest in advance, for the

the Use of such Mortgagee, at any Time after Tender of the Principal, Interest, and Costs, and Six Calendar Months Interest in advance as aforesaid, the Cashier or Cashiers of the said Bank to whom such Money shall be paid shall give a Receipt for the said Money, in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon, or upon such Conveyance, Assignment, or Transfer by any such Mortgagee as aforesaid, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in trust for him, or for whom he shall be Trustee, shall vest in the Queen's most Excellent Majesty, Her Heirs and Successors, who shall be deemed to be in actual Possession of the Premises and Estate comprised in such Mortgage, or so much thereof as shall be required for the Purpose of this Act, to all Intents and Purposes whatsoever.

XLVII. And be it enacted, That in all Cases in which any Tenements or Hereditaments subject to any Mortgage shall be required for the Purpose of this Act, which Tenements or Hereditaments shall be of less Value than the Principal Monies, Interest, and Costs secured thereon, or in which a Part only of the Tenements or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and such Part shall be of less Value than the Principal Monies, Interest, and Costs secured on such Tenements or Hereditaments, and the Mortgagee or Mortgagees thereof shall not consider the remaining Part of such Tenements or Hereditaments to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due and to become due thereon, and all Costs, the Value of such Tenements or Hereditaments, or, as the Case may be, of such Part of the said Tenements or Hereditaments as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done in respect of the Parts so required, shall be settled and agreed upon by and between such Mortgagee or Mortgagees and the Body or Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, Person or Persons, entitled to the Equity of Redemption of such Tenements or Hereditaments, whether absolutely, or for such Estate as might capacitate him, her, or them to convey for the Purposes of this Act, on the one Part, and the said Commissioners on the other Part; and and in case of any Difference between them, then such Value and Compensation shall be determined by the Verdict of a Jury, in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee or Mortgagees in satisfaction of his, her, or their Claim, so far as the same will extend, and such Mortgagee or Mortgagees shall thereupon convey, assign, and transfer all his, her, or their Interest in such mortgaged Tenements or Hereditaments the Value whereof shall so have been agreed upon or determined as aforesaid, or in case of his, her, or their neglecting or refusing

As to Cases where Mortgage Money is more than the Value of the Premises, or in which a Part only of the Premises is required.

to convey, assign, or transfer as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England*, to the Credit of the said Mortgagee or Mortgagees, as by this Act is provided in Cases of the like Nature; and such Payment to the Mortgagee or Mortgagees, or into the Bank as last aforesaid, shall be accepted in satisfaction of the Claim of such Mortgagee or Mortgagees, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken or used from all Principal and Interest and other Money due or secured thereon; and thereupon such mortgaged Tenements or Hereditaments shall become absolutely vested in the Queen's most Excellent Majesty, Her Heirs and Successors, who shall be deemed to be in the actual Possession thereof, to all Intents and Purposes whatsoever: Provided nevertheless, that all Mortgagees shall have the same Powers and Remedies for recovering or compelling Payment of their Mortgage Money, or the Residue thereof, (as the Case may be,) or the Interest thereof respectively, upon and out of the Residue of the mortgaged Tenements or Hereditaments not required for the Purposes aforesaid, as they would have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Tenements or Hereditaments originally comprised in such Mortgage: Provided also, that where a Part only of the Tenements or Hereditaments (subject to any Mortgage) shall have been taken for the Purposes of this Act, and the Value of the Tenements or Hereditaments so taken shall, on the Assignment or Conveyance thereof to Her Majesty, Her Heirs and Successors, have been paid to the Mortgagee or Mortgagees thereof in part Satisfaction of his, her, or their Mortgage Debt, a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage at the Time of executing such Assignment or Conveyance to Her Majesty, and shall be signed by such Mortgagee or Mortgagees, and a Copy of such Memorandum shall at the same Time (if required) be furnished by the said Commissioners to the Person or Persons so entitled as aforesaid to the Equity of Redemption of the Tenements or Hereditaments comprised in such Mortgage Deed.

Tenants at Will
or from Year to
Year to quit
after Notice.

XLVIII. And be it enacted, That every Tenant at Will or Lessee for a Year, or any other Person or Persons in possession of any Tenements or Hereditaments, or any Part thereof, which shall be purchased by virtue of this Act, who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year, or from Year to Year, shall, at the End of Six Calendar Months next after Notice in Writing signed by the said Commissioners shall have been given to him, her, or them, or left at the Premises which are the Subject of such Notice, and whether such Notice be given with reference to the Time or Times of such Tenant's holding or not, quit and relinquish the said Premises unto the said Commissioners, or to such Person or Persons as shall be by them authorized to receive Possession thereof; and in case any such Lessee shall be

be compelled to quit before the Expiration of his or her Term or Interest in any such Premises, then and in such Case the said Commissioners shall give Satisfaction and Compensation for the Loss or Damage which he or she shall sustain thereby; and in case of any Difference as to the Amount of such Satisfaction or Compensation, the same shall be settled and ascertained by a Jury in the same Manner as the Sums of Money to be paid for the Purchase of any Tenements or Hereditaments are herein-before directed to be ascertained, or, if the said Commissioners and the other Parties in difference shall agree thereto, the same may be settled by a Reference to the Award of Arbitrators, to be chosen by the Parties in difference; and that all and every Person and Persons, Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, in possession of any Tenements or Hereditaments, or any Part of any Tenements or Hereditaments, which may be purchased in pursuance of this Act, shall, upon Payment or Tender as aforesaid of such Recompence or Satisfaction for any of his, her, or their Term, Estate, or Interest in the Premises as shall be mutually agreed upon, or as shall be mutually ascertained and awarded by any Referee or Referees or Umpire, or by Verdict or Inquisition of a Jury, in manner aforesaid, quit and relinquish the said Premises so in their respective Possessions unto the said Commissioners, or to such Person or Persons as shall be by them authorized to receive Possession of the same; and all the Leases, Demises, Contracts, and Agreements whatsoever under or by virtue whereof any such Person or Persons shall hold the said Premises shall, at and from the End and Expiration of such Six Calendar Months, or upon such Payment or Tender as aforesaid, be absolutely void and of none Effect as against Her Majesty and the said Commissioners; and if any such Tenant at Will or Lessee, or other Person or Persons, Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, as aforesaid, shall refuse or neglect to deliver up the Premises in his, her, or their Possession, at the Expiration of such Six Calendar Months, or upon such Payment or Tender as aforesaid, it shall be lawful for any Justice of the Peace for the said County of *Berks* or the said County of *Buckingham* (as the Case may be) to issue his Precept or Warrant to the Constables of such County for the Time being, or any of them, or to any Person or Persons to be by such Justice appointed a Constable or Constables for that especial Purpose, commanding and requiring such Constable or Constables, or any of them, to cause Possession of the said Premises to be taken, and afterwards delivered to such Person or Persons as shall in such Precept or Warrant be nominated to receive the same, on behalf of Her Majesty, and the said Constables, and every of them, are and is thereupon hereby authorized and required to cause such Possession to be taken and delivered accordingly: Provided always, that nothing in this Act contained shall prevent or restrain the said Commissioners, whenever they may deem it just and reasonable so to do, from

granting Compensation to any Tenant at Will for giving up the Possession of Premises under or by virtue of this Act in any Case where special Injury shall be proved to their Satisfaction.

Persons capacitated to sell may agree with Commissioners to refer same to Arbitration.

XLIX. And be it enacted, That all Persons hereby capacitated to sell, and who may not agree with the said Commissioners as to the Price to be paid, may, if they shall think fit, agree with the said Commissioners to refer it to any Person or Persons to ascertain the Amount to be paid; and every such Agreement shall be in all respects binding and effectual.

Power to clear the Ground, and sell old Materials.

L. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to pull down or cause to be pulled down all Houses and other Erections and Buildings which shall be purchased by virtue of this Act, or such of them or such Part thereof as they shall think proper to be pulled down, and also to pull down and remove or cause to be pulled down and removed *Datchett Bridge* aforesaid, and to level and clear the Sites thereof respectively, in such Manner as they shall think proper, and to sell or cause to be sold the Materials of the said Houses, Erections, Bridge, and Buildings; and the Monies to be produced by the Sale thereof, after deducting the Expenses of pulling down such Houses, Bridge, and Buildings respectively, and of such Sale or Sales, and also the Rents and Profits of any Tenements or Hereditaments to be purchased by virtue of this Act until the same shall be pulled down, shall be applied towards the Purposes of this Act.

Monies arising from Sale to be applied to the Purposes of this Act.

Materials vested in Her Majesty.

LI. And be it enacted, That the Right and Property of all and every the Stone, Timber, Iron, Gates, Bars, Posts, Rails, Sheds, Carts, Engines, Materials, Implements, Utensils, and Things whatsoever which may be erected and set up or provided by the said Commissioners for executing this Act, or by their Order, or otherwise used by them for carrying the Purposes of this Act into execution, and also any Materials which formed Part of *Datchett Bridge*, or of any Buildings which may be pulled down by Direction of the said Commissioners, in pursuance of the Powers of this Act, shall be vested in Her Majesty; and the said Commissioners, on behalf of Her Majesty, are hereby empowered to dispose of and apply the same for the Purposes of this Act, as they shall think fit.

Penalties may be compounded for.

LII. And be it enacted, That it shall be lawful for the said Commissioners, if they think fit, with the Consent and Approbation of the Lord High Treasurer, or the Commissioners for executing the Office of Lord High Treasurer, or any Three of them, to compound and agree with any Contractor for any Penalty incurred by him for the Breach or Nonperformance of any Contract entered into in pursuance of this Act, for such Sum of Money as the said Commissioners shall think proper, not being less than the Injury or Damage sustained by the Breach or Nonperformance of such Contract, and all Costs, Charges, or Expenses which shall be occasioned thereby.

Deeds, &c. not liable to Stamp Duty.

LIII. And be it enacted, That no Contract, Conveyance, Lease, Deed, or other Instrument, which shall be made, granted, or executed by the said Commissioners, on behalf of Her Majesty, for

for the Purposes of this Act, nor any Contracts or Agreements, Bonds or other Securities, Assignments, Conveyances, or other Deed or Instrument, which shall be made, entered into, or executed by any Person or Persons to or with the said Commissioners, on behalf of Her Majesty, or otherwise, for any of the Purposes of this Act, shall be subject or liable to any Stamp Duty whatever imposed by any Act now in force, nor to any Stamp Duty to be imposed by any future Act, unless such Instruments be specially subjected and specifically charged in and by such future Act.

LIV. And be it enacted, That for the Purpose of forming the intended Roads and Bridges, or either of them, it shall be lawful for the said Commissioners, with the Consent of the Commissioners of the *Thames* Navigation, or their Surveyor for the Time being, to excavate and deepen the Bed of the River *Thames*, where it may be deepened without Injury, and to take away and use any Ballast, Sand, Gravel, Earth, or other Materials which shall be raised from the Bed of the River in executing any such Works.

Commissioners empowered to raise Ballast, &c. from the Bed of the River.

LV. And be it enacted, That in case any Damage or Mischief shall be done to the said Bridges or any of them, or to any of the Works thereof respectively, by any Lighter, Barge, Boat, Float, Raft, or Vessel, through the wilful Negligence of any Person having the Command of any such Lighter, Barge, Boat, Float, Raft, or Vessel, or any of the Persons employed therein, then and in every such Case the Owner of such Lighter, Barge, Boat, Float, Raft, or Vessel shall be and is hereby made answerable for the Amount or Value of any such Damage or Mischief; and the same, provided it shall not exceed the Sum of Twenty Pounds, (if not forthwith paid and satisfied,) shall and may be recovered in such Manner as the Penalties and Forfeitures hereby imposed are in and by this Act directed to be recovered.

Owners of Vessels liable for Damage done to the Bridges, &c.

LVI. And be it enacted, That in case the Owner of any such Lighter, Barge, Boat, Float, Raft, or Vessel shall be compelled to pay any Penalty or to make satisfaction for any Damages by reason of any Neglect or Default done or committed by his Servants or any of them, such Servants, and each and every of them, shall be liable to pay such Penalty or Damages (with the Costs thereof) to such Owner; and in case of Nonpayment upon Demand thereof, and Oath made by such Owner of the Payment made by him of such Penalty, Satisfaction, or Damages, and that the same, and the Costs thereof, have not been repaid to him by such Servants, or Mariners, or any of them, although demanded, (such Oath to be made before any One or more Justice or Justices of the Peace of the County or Place where such Penalty or Satisfaction shall have been recovered,) the Amount thereof, provided the same shall not exceed the Sum of Twenty Pounds, shall be recovered in the same Manner as any Penalty is hereby directed to be recovered.

Masters to recover from their Servants any Damages paid for their Neglect.

LVII. And be it enacted, That if any Person shall wilfully occasion any Obstruction, Annoyance, or Hindrance to any
Description

Penalty for Obstructions to Passengers.

Description of Passengers on or along the said Bridges respectively, he shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, and shall also make satisfaction to the Party injured for the Damage so done as aforesaid, which Satisfaction shall be recovered as Part of and in the same Way as the said Penalty is by this Act authorized to be recovered; and if any such Injury as aforesaid shall be done negligently or by Accident, the Person doing or causing the same shall make satisfaction to the Party injured, which shall and may be recovered in the same Manner as Penalties are by this Act directed to be recovered.

Damages and Charges, in case of Dispute, to be settled by Two Justices.

LVIII. And be it enacted, That in all Cases wherein Damages or Charges in respect of Acts or Offences done or committed upon or relating to the said Bridges or either of them are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by some Two or more Justices of the Peace of the County of *Berks* or of the County of *Buckingham* (such Justices not being interested in the Matters in question); and where by this Act any Damages or Charges are directed to be paid, in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be settled and determined by the Justices by or before whom any Offender shall be convicted of such Offence; and such Justices respectively are hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for levying of any Penalties or Forfeiture.

Recovery and Application of Penalties.

LIX. And be it enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not herein otherwise particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some One or more Justice or Justices of the Peace for the said County of *Berks* or for the said County of *Buckingham*, on Complaint to him or them for that Purpose made, and afterwards to be levied, as well as the Costs, if any, of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justice or Justices; and the Overplus, if any, of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expenses as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Penalties and Forfeitures, not herein directed to be otherwise applied, shall be paid, One Half to the Informer, and the Remainder to Her Majesty, Her Heirs and Successors; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice or Justices and he and they are hereby required

required to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his Appearance before such Justice or Justices, or before some other Justice or Justices of the Peace having Jurisdiction, at such Time as shall be appointed for the Return of such Warrant of Distress, such Time not being more than Three Days from the taking of such Security, and which Security any of the said Justice or Justices are hereby empowered to take by way of Recognizance or otherwise; but in case upon Return of such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Penalties or Forfeitures, and such Costs and Expenses as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice or Justices, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expenses could be levied if a Warrant of Distress should be issued, (in which last-mentioned Case such Justice or Justices shall not be required to issue such Warrant of Distress,) then and in either of such Cases such Justice or Justices are hereby required, by Warrant under his or their Hands and Seals, to commit such Offender to some Common Gaol or House of Correction for the County or Place within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be sooner paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or until such Offender shall otherwise be discharged by due Course of Law.

LX. And be it enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom any Complaint shall be made for any Offence committed against this Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing or in Print, shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

Justices may proceed by Summons in the Recovery of Penalties.

LXI. And be it enacted, That it shall be lawful for any Officer or Agent of the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Residence shall be unknown to such Officer or Agent, and who shall commit any

For securing Offenders whose Names and Residences are unknown.

any Offence against this Act, and to convey him before some Justice of the Peace for the said County of *Berks* or the said County of *Buckingham*, without any other Warrant or Authority than this Act; and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

Forms of Information and Conviction.

LXII. And be it enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information (whenever an Information shall be taken in Writing or in Print) and the Conviction respectively to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,)

Information.

‘ } BE it remembered, That on the Day
 ‘ to wit. } of A.B. of informeth us,
 ‘ C.D. and E.F., Two of Her Majesty’s Justices of the Peace
 ‘ for the County of that G.H. of [here
 ‘ describe the Offence, and the Time and Place when and where
 ‘ committed], contrary to an Act passed in the Eleventh and
 ‘ Twelfth Years of the Reign of Her Majesty Queen Victoria,
 ‘ intituled [here insert the Title of this Act], which hath imposed
 ‘ a Forfeiture of for the said Offence. Taken the
 ‘ Day of before us,
 ‘ C.D.
 ‘ E.F.’

Conviction.

‘ } BE it remembered, That on the Day
 ‘ to wit. } of in the Year of our Lord
 ‘ G.H. is convicted before us, C.D. and E.F., Two of Her
 ‘ Majesty’s Justices of the Peace for the County of
 ‘ [here describe the Offence, and the Time and Place when and
 ‘ where committed], contrary to an Act passed in Eleventh and
 ‘ the Twelfth Years of the Reign of Her Majesty Queen
 ‘ Victoria, intituled [here insert the Title of this Act]. Given
 ‘ under our Hands and Seals, the Day and Year first above
 ‘ written.
 ‘ C.D.
 ‘ E.F.’

Power to Justices to administer Oaths.

LXIII. And be it enacted, That in all Cases in which Justices of the Peace are authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter of Complaint, it shall be lawful for such Justices and they are hereby required to administer an Oath or to receive the Affirmation of any Person before such Persons shall be examined by or before such Justices.

Penalty on Witnesses refusing to attend and give Evidence.

LXIV. And be it enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter or Fact contained or involved in or affecting any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse to be examined upon Oath, or, in the Case of a Quaker or Separatist, on Affirmation, to give Evidence before such

such Justices, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

LXV. And be it enacted, That the said Commissioners, and all other Corporations and Persons who may think themselves aggrieved by any Order, Judgment, or Determination of any Justices of the Peace relating to any Matter or Thing in this Act mentioned or contained, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions, as follows, (that is to say,) as regards any Order, Judgment, or Determination of any Justices of the Peace for the said County of *Berks*, to the General or Quarter Sessions to be held for the said County of *Berks*, and as regards any Order, Judgment, or Determination of any Justices of the Peace for the said County of *Buckingham*, to the General or Quarter Sessions to be held for the said County of *Buckingham*, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, and forthwith after such Notice, in the Case of an Individual appealing, entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the same Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, adjourn the hearing thereof to the following General or Quarter Sessions of the Peace, and may, if they see Cause, mitigate or release any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Order or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable.

Persons aggrieved may appeal to Quarter Sessions.

LXVI. And be it enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice or any Proceeding at Law or in Equity, upon the said Commissioners, leaving the same at the Office of the said Commissioners shall be deemed good and sufficient Service of the same respectively on the said Commissioners.

Declaring what shall be good Service of Notice on the Commissioners.

LXVII. And be it enacted, That in all Cases in which it may be necessary for the said Commissioners to serve any Summons or Demand, or any Notice or other Proceeding at Law or in Equity, upon any Person or Corporation, under the Provisions of this Act, personal Service thereof respectively upon such Person, or upon some Member or upon the Clerk or any other Officer of such Corporation, or delivering the same to some Inmate of the last or usual Place of Abode of such Person, or of such Member, Clerk, or other Officer, shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation (as the Case may be): Provided always, that

Declaring what shall be good Service by the Commissioners.

that every Summons, Demand, or Notice, or other Document requiring Authentication by the said Commissioners, may be signed by any Two of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

Distress not unlawful for Want of Form.

LXVIII. And be it enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant, Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage by an Action upon the Case.

Proceedings not to be quashed for Want of Form.

LXIX. And be it enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Proceeding whatsoever, into any of Her Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Persons giving false Evidence guilty of Perjury.

LXX. And be it enacted, That all Persons who upon any Examination to be taken by virtue of this Act shall wilfully and corruptly give false Evidence, or otherwise forswear themselves, before any Jury, or before any Justice of the Peace, acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Plaintiff not to recover without Notice or after Tender of Amends.

LXXI. Provided always, and be it enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for anything done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode, Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover if Tender of good and sufficient Amends shall have been made to him, her, or them, or his or their Attornies, by or on behalf of the Defendant or Defendants, before such Action brought, nor if such Tender of Amends shall be made at any Time after such Action brought, and before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender; but on Proof of such Tender on any Trial to be had in such Action the Plaintiff or Plaintiffs shall be nonsuited, and shall pay full Costs to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; or in case no Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein

wherein any such Action shall depend; at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

LXXII. Provided always, and be it enacted, That no Action or Suit shall be brought or prosecuted against the Commissioners for executing this Act, or against any other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for anything done in pursuance of this Act, after Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages then after Three Calendar Months next after the doing or committing such Damage shall have ceased; and not afterwards; and every such Action or Suit shall be laid and brought in the Liberty or County where the Matter in dispute shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his or their Election, plead specially or plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action or Suit shall have been brought after Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury or Juries shall find for the Defendant or Defendants.

Limitation of
Actions.

LXXIII. And be it enacted, That nothing contained in this Act shall be deemed or construed to extend, either directly or by Implication, or otherwise, to prejudice or affect any Right of Property or Title belonging to Her Majesty, Her Heirs or Successors, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Saving the
Rights of Her
Majesty, &c.

LXXIV. And be it enacted, That Receipts in Writing, signed by any Two of the said Commissioners, for any Monies payable to the said Commissioners under or by virtue of this Act, shall be good and sufficient Discharges to the Person or Persons paying the same.

Receipts of Two
of the Commis-
sioners of
Woods, &c. to
be Discharges.

LXXV. And be it enacted, That nothing in this Act, or in any Conveyance, Contract, Lease, or other Deed or Instrument hereby authorized to be entered into or made by the said Commissioners, shall extend to charge the Person or Persons of all or any of the said Commissioners executing any such Conveyance, Contract, Lease, or other Deed or Instrument, or the Heirs, Executors, or Administrators of the said Commissioners, or any of them, or any of their own proper Lands, Tenements, Goods, or Chattels, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in the same Conveyance, Contract, Lease, or other Deed or Instrument contained on the Part of the said Commissioners, or any of them, but the

Commissioners
exempted from
personal Re-
sponsibility in
discharge of
their Duties
under this Act.

Amount

Amount of all Costs, Charges, Damages, or Expenses which shall or may be recovered in any Suit or Suits at Law or in Equity against them the said Commissioners or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of any such Conveyance, Contract, Lease, or other Deed or Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, and Expenses which the said Commissioners shall bear, pay, expend, or be put to, or which shall be occasioned to them, for or by reason or means of any such Conveyance, Contract, Lease, or other Deed or Instrument, or any Covenant, Condition, or Agreement therein contained, or any Action or Actions, Suit or Suits, to be brought or prosecuted by or against them, or any of them, thereupon, shall respectively be paid and discharged by and out of the Monies applicable to the Purposes of this Act.

Meaning of
"the said Commissioners."

LXXVI. And be it enacted, That the Expression "the said Commissioners" shall for the Purposes of this Act mean the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, acting for and on behalf of the Queen's most Excellent Majesty.

Public Act.

LXXVII. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The SCHEDULE to which the foregoing Act refers.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
The Parish of New Windsor in the County of Berks.				
	Public Highway called Sheet Street.	The Commissioners for the better paving, lighting, cleansing, and watching the Streets and Lanes in the Parish and Borough of New Windsor.	—	—
2	Pasture - -	The Crown - -	- - -	Francis Woolhouse; William Weston.
3	Long Walk -	The Crown.	—	—
4	Meadow - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
5	Meadow - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
6	Meadow - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
7	Arable - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
8	Arable - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
9	The Bourne Ditch	The Crown.	—	—
14	Plantation -	The Crown - -	- - -	Charles Seward Cantrell the younger.
15	Arable - -	The Crown - -	- - -	Charles Seward Cantrell the younger.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
16	Pasture and Ditch	The Crown - -	- - -	Charles Seward Cantrell the younger.
17	Arable - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
18	Pasture and Towing Path.	The Crown; the Navigation Commissioners of the Rivers Thames and Isis.	- - -	Charles Seward Cantrell the younger; the Navigation Commissioners of the Rivers Thames and Isis.
19	Waste and Ditch -	The Crown - -	- - -	John Thomas Gough.
20	Public Highway called Datchet Road.	The Crown.	—	—
21	Pasture - -	The Crown - -	- - -	John Thomas Gough.
22	The Bed of the River Thames.	The Crown; the Earl of Harewood; the Provost and College Royal of the Blessed Mary at Eton; the Navigation Commissioners of the Rivers Thames and Isis.	- - -	The Navigation Commissioners of the Rivers Thames and Isis, the Provost and College Royal of the Blessed Mary at Eton, and the Public.
75	Datchet Bridge -	The Magistrates of Berks; George Bowes Morland, Clerk of the Peace for Berks.	—	—
76	Tenement called the Angel and Crown Public House.	The Crown - -	- - -	John William Willer.
77	Garden between Datchet Road and the Park Wall.	The Crown - -	- - -	John William Willer.
78	Towing Path -	The Crown; the Navigation Commissioners of the Rivers Thames and Isis.	- - -	The Navigation Commissioners of the Rivers Thames and Isis, and the Public.
79	Public Highway called Datchet Lane.	The Crown; the Commissioners for the better paving, cleansing, lighting, and watching the Streets and Lanes in the Parish and Borough of New Windsor.	—	—
80	Pasture - -	The Crown - -	- - -	John Thomas Gough.
81	Pasture - -	The Crown - -	- - -	Robert Richard Tighe.
83	Park Wall - -	The Crown, and the Dean and Canons of Windsor.	- - -	The Crown, and the Dean and Canons of Windsor.
84	Garden Bank, Walls, and Steps.	The Dean and Canons of Windsor.	- - -	The Dean and Canons of Windsor.
85	Pasture Land, Stables, Harness House, and Passage.	The Crown - -	- - -	The Crown.
86	Plantation or Slope	The Crown - -	- - -	The Crown.
87	Stables, Coach-houses, Yard, and Shed.	The Dean and Canons of Windsor.	- - -	The Dean and Canons of Windsor.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
88	Open Space or Way	The Crown, and the Dean and Canons of Windsor.	- - -	The Crown, and the Dean and Canons of Windsor.
89	Tenement, 71, Thames Street.	The Dean and Canons of Windsor.	- - -	William Miller.
90	The Hundred Steps and Walls.	The Crown.	—	—
91	Tenement and Garden, 72, Thames Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	- - -	Catherine Hopgood.
92	Tenement and Garden, 73, Thames Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	- - -	John Curtis.
93	Tenement, 74, Thames Street, the Crispin Public House.	John Deacon -	- - -	William Bayliss.
94	Tenement and Garden, 75, Thames Street.	John Kimball -	Henry Hall -	Henry Hall and Henry Hall junior.
95	Tenement and Garden, 76, Thames Street.	John Kimball -	Henry Hall -	John Powell.
96	Tenement and Garden, 77, Thames Street.	George Gray Coules	George Pooley -	George Pooley.
97	Tenement and Stable, 78, Thames Street.	George Gray Coules	George Pooley -	George Pooley.
98	Icehouse and Entrance, Back of No. 78, Thames Street.	George Gray Coules	George Pooley -	William Knock.
99	Tenements, 79 and 80, Thames Street.	Charles Phillips -	George Gray Coules	George Gray Coules.
100	Vacant Ground -	The Crown.	—	—
101	Tenement and Garden, 86, Thames Street.	The Provost and College Royal of the Blessed Mary at Eton.	George Gray Coules; Walter Palmer.	Walter Palmer.
102	Tenements and Garden, 87, Thames Street.	Henry Lawrence -	Robert Sidwell -	Robert Sidwell.
103	Tenements and Garden, 88, Thames Street.	The Crown - -	- - -	Empty.
104	Tenement and Garden, 89, Thames Street.	The Crown - -	- - -	Empty.
105	Tenements and Garden, 90, Thames Street.	Mercy Sawyer, William Mills, Thomas Mills, Ann Mills, and Joseph Sidenham.	- - -	Joseph Pearce.
106	Tenements and Garden, 91, Thames Street.	Mercy Sawyer, William Mills, Thomas Mills, Ann Mills, and Joseph Sidenham.	- - -	John Wicks.
107	Vacant Ground -	The Crown.	—	—

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
108	Tenements and Garden, 100, Thames Street.	The Crown - -	- - -	Charles George Sharp- ley.
109	Tenements and Garden, 101, Thames Street.	The Crown - -	- - -	George Weight.
110	Tenements and Garden, Sheds and Yard, 102, Thames Street.	The Crown - -	Frederick King Copeland.	Frederick King Cope- land.
111	Tenements and Garden, 103, Thames Street.	The Crown - -	- - -	Empty.
112	Tenements and Garden, 104, Thames Street.	The Crown.	—	—
113	Vacant Ground -	The Crown.	—	—
119	Tenements and Garden, 111, Thames Street.	The Mayor, Alder- men, and Burgesses of the Borough of New Windsor.	The Crown.	—
120	Tenements and Garden, 112, Thames Street.	The Mayor, Alder- men, and Burgesses of the Borough of New Windsor.	The Crown.	—
121	Tenement and Garden, 113, Thames Street.	The Mayor, Alder- men, and Burgesses of the Borough of New Windsor.	The Crown.	—
122	Tenement and Garden, 38, High Street.	The Mayor, Alder- men, and Burgesses of the Borough of New Windsor.	The Crown.	—
123	Tenement and Garden, 39, High Street.	The Mayor, Alder- men, and Burgesses of the Borough of New Windsor.	The Crown.	John Lovegrove.
124	Tenement and Garden, 40, High Street.	The Mayor, Alder- men, and Burgesses of the Borough of New Windsor.	James Alder -	James Alder; Charles Alder.
125	Tenements and Garden, 41, High Street.	The Crown - -	William Brown Holderness.	Adolphus Frederick Millns.
126	Tenements and Garden, 42, High Street.	The Mayor, Alder- men, and Burgesses of the Borough of New Windsor.	John Cox; Thomas Clark.	John William Stevens Potter.
127	Tenements and Garden, 43, High Street.	The Mayor, Alder- men, and Burgesses of the Borough of New Windsor.	James Church; Thomas Woold- ridge.	Thomas Wooldridge.
128	Ground or Moat, and Iron Railing.	The Crown - -	- - -	The Crown.
129	The public High- way called High Street.	The Mayor, Alder- men, and Burgesses of the Borough of New Windsor; the Commissioners for the better paving, lighting, cleansing, and watching the Streets and Lanes in the Parish and Borough of New Windsor.	- - -	The Commissioners for the better paving, lighting, cleansing, and watching the Streets and Lanes in the Parish and Borough of New Windsor, and the Public.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
130	The public Highway called Thames Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor; the Commissioners for the better paving, lighting, cleansing, and watching the Streets and Lanes in the Parish and Borough of New Windsor.	- - -	The Commissioners for the better paving, lighting, cleansing, and watching the Streets and Lanes in the Parish and Borough of New Windsor, and the Public.
132	Public Highway -	The Crown; the Commissioners for the better paving, cleansing, lighting, and watching the Streets and Lanes in the Parish and Borough of New Windsor.	—	—
133	Tenements and Garden called Waterloo Gate Cottage.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	The Crown -	Charles William Matr.
134	Tenements and Garden called the Windsor Castle Beerhouse.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	Thomas Ashby; Charles Ashby; Frederick Ashby; Morris Ashby.	William Dean.
135	Tenements, Sheds, Stables, and Yard called the Hope Inn.	John Deacon -	- - -	Charles James Byles.
136	Tenement, Garden, and Sheds, No. 1, Hope Cottages.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	George Gray Coules	Henry Pickman.
137	Tenement and Garden, No. 2, Hope Cottages.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	George Gray Coules	Empty.
138	Tenement and Garden, No. 3, Hope Cottages.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	George Gray Coules	William Sharratt.
139	Footway to Hope Cottages.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	George Gray Coules	George Gray Coules, Henry Pickman, Allan Ogg, and William Sharratt.
140	Public Footway to the Long Walk from Frogmore Road.	The Crown.	—	—
141	Garden - -	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	John Tull -	John Tull.
142	Tenement and Garden called the Lammas Cottage.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	John Ball and Mary Rowley.	William Seabrook.
143	Tenement and Garden called Rose Cottage.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	John Ball and Mary Rowley.	Mary Rowley.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
144	Tenement and Garden, Sheds and Stables.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	John Caley -	John Caley.
145	Carriage Entrance to Shaw Farm.	The Crown - -	- - -	Charles Seward Cantrell the younger.
146	Tenement and Garden, 1, Park Place.	William Liverd -	- - -	Thomas Cobden.
147	Tenement and Garden, 2, Park Place.	William Liverd -	- - -	Mary Doddmede.
148	Tenement and Garden, 3, Park Place.	William Liverd -	- - -	John Hill.
149	Tenement and Garden, 4, Park Place.	William Liverd -	- - -	Jesse Hollis.
150	Tenement and Garden, 5, Park Place.	William Liverd -	- - -	Joseph Watson.
151	Shed - -	William Liverd -	- - -	William Liverd.
152	Footpath to Park Place.	William Liverd -	- - -	William Liverd; Thomas Cobden; Mary Doddmede; John Hill; Jessie Hollis; Joseph Watson.
153	Tenements and Garden, 1, King's Road.	William Liverd -	- - -	William Liverd.
154	Tenements and Garden, 2, King's Road.	William Liverd -	- - -	John Cantell.
155	Tenements and Garden, 3, King's Road.	William Liverd -	- - -	Henry Gibbs.
156	Tenements and Garden, 4, King's Road.	William Liverd -	- - -	George Ogilwy.
157	Tenements and Garden, 5, King's Road.	Henry Brown -	- - -	Robert Logan.
158	Passage, Yard, Wash-house, Sheds, and Dust Bin.	William Liverd -	- - -	William Liverd; Thomas Cobden; Mary Doddmede; John Hill; Jessie Hollis; Joseph Watson; John Cantell; Henry Gibbs; George Ogilwy; Robert Logan.
159	Tenements, Sheds, and Yard, called the Pheasant Beerhouse.	Francis Woolhouse -	- - -	Henry Woolhouse.
160	Sheds and Part of Timber Yard.	Charles Seward Cantrell senior.	- - -	Francis Woolhouse and Henry Woolhouse.
161	Yards, Sheds, and Tenements.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	Charles Seward Cantrell senior.	Francis Woolhouse and Henry Woolhouse.
162	The Magpie Stile and public Footpath.	The Crown.	—	—
163	Public Footpath from Datchet Bridge across the Home or Little Park to Frogmore Road.	The Crown.	—	—

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
<i>The Parish of Old Windsor in the County of Berks.</i>				
9a	The Bourne Ditch	The Crown.	—	—
10	Arable - -	The Crown.	—	—
10a	Meadow - -	John Sturgess -	- -	Charles Seward Cantrell the younger.
10b	Cottage and Garden	John Sturgess -	- -	Henry Smithers.
11	Pasture - -	The Crown - -	- -	Charles Seward Cantrell the younger.
12	Occupation Road -	The Crown - -	- -	Charles Seward Cantrell the elder; Charles Seward Cantrell the younger.
13	Public Highway from New Windsor to Old Windsor.	The Surveyors of Highways for the Parish of Old Windsor.	—	—

The Parish of Datchet in the County of Buckingham.

23	The Bed of the River Thames.	The Crown; the Earl of Harewood; the Duke of Buccleugh; the Provost and College Royal of the Blessed Mary at Eton; the Commissioners of the Navigation of the Rivers Thames and Isis.	—	—
24	Osier Beds or Aite	The Earl of Harewood	- - -	Henry Newman.
25	Arable - -	The Earl of Harewood	- - -	William Statham.
26	Pasture - -	The Earl of Harewood	- - -	William Statham.
34	Footpath - -	The Earl of Harewood	James Boykett Jarman; William Statham.	James Boykett Jarman.
35	Pasture - -	The Earl of Harewood	William Statham; James Boykett Jarman.	James Boykett Jarman.
36	Pasture - -	The Earl of Harewood	William Statham; James Boykett Jarman.	James Boykett Jarman.
37	Pasture - -	The Rev. Isaac Gossett; John Willis Goodwin; John Fowler; Thomas Goodwin; Robert Styles.	James Pearce -	James Pearce.
38	Pasture - -	The Churchwardens and Overseers of the Parish of Datchet.	George Cooper -	George Cooper.
39	Pasture - -	The Trustees of Ralph Goodwin deceased, James Willis Taylor, and others.	William Statham -	William Statham.
40	Pasture - -	Haydock James Haydock.	James William West	James William West.
41	Pasture - -	James Boykett Jarman	- - -	James Boykett Jarman.
42	Pasture - -	The Earl of Harewood	- - -	Henry Newman; James Boykett Jarman.
43	Osier Beds and Aite	The Duke of Buccleugh.	- - -	Henry Newman.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
44	Stream or Fishery	The Duke of Buccleugh.	- - -	Henry Newman.
45	Pasture - -	The Duke of Buccleugh.	- - -	Henry Newman.
46	Pasture - -	George Ingall -	- - -	James William West.
47	Arable - -	John Willis Goodwin	- - -	Ralph Willis Goodwin.
48	Tenement and Garden.	John Willis Goodwin	- - -	James Aslin.
49	Pasture - -	The Earl of Harewood	John Willis Goodwin ; Ralph Willis Goodwin.	Ralph Willis Goodwin.
50	Pasture and Landing Place.	The Duke of Buccleugh.	John Deacon -	John Lipscombe.
51	Public Footpath -	The Reverend Isaac Gossett, John Willis Goodwin, John Fowler, Thomas Goodwin, Robert Styles, or the Surveyors of the Highways of the Parish of Datchet.	—	—
52	Public Roadway -	The Surveyors of the Highways of the Parish of Datchet.	—	—
53	Tenement, Garden, and Premises.	Haydock James Haydock.	Mary Ann Sturgess	Mary Ann Sturgess ; Mary Fortnum.
54	Landing Place -	The Surveyors of the Highways of the Parish of Datchet.	—	—
55	Tenements, Garden, and Outbuildings, Stables, Yard, and Premises.	Haydock James Haydock.	James William West	James William West.
56	Garden - -	George Cooper -	- - -	George Cooper.
57	Dwelling House, Tenement, Yard, Malshouses, Sheds, and Outbuildings.	George Cooper -	- - -	George Cooper.
58	Garden, Tenement, and Sheds.	George Cooper -	- - -	George Cooper.
59	Dwelling House, Tenement, Garden, Sheds, and Outbuildings.	Duke of Buccleugh -	- - -	Henry Newman.
60	Entrance Gate, Fence, and waste Ground, with public Footpath to Eton and Slough Road.	The Reverend Isaac Gossett, John Willis Goodwin, John Fowler, Thomas Goodwin, Robert Styles, or the Surveyors of the Highways of the Parish of Datchet.	—	—
61	Tenement and Garden.	Duke of Buccleugh -	- - -	George Cooper.
61 a	Arable Land -	Duke of Buccleugh -	- - -	George Cooper.
62	Pasture, Sheds, and Garden.	Duke of Buccleugh -	- - -	Henry Newman.
63	Pasture - -	Duke of Buccleugh -	- - -	Henry Newman.
64	Stream or Fishery	The Earl of Harewood	- - -	Henry Newman.
65	Osier Bed or Aite	The Earl of Harewood	- - -	Henry Newman.

45 G. 3. c. 85.

51 G. 3. c. 117.

' *repealing so much of an Act of the Twenty-fourth Year of*
 ' *His present Majesty as relates to the said Company; and for*
 ' *enabling the Barons of the said Court of Exchequer to advance*
 ' *Part of the Sum so to be received to the Company of Pro-*
 ' *prietors of the Crinan Canal, on certain Conditions: And*
 ' *whereas, pursuant to the Provisions of the said last-recited*
 ' *Act, all the Rates and Duties arising from the Crinan Canal,*
 ' *and all the Estate, Right, and Interest of the said Company*
 ' *in and to the same, and all Quays, Houses, Lands, and other*
 ' *Property purchased for the Purposes of the Crinan Canal,*
 ' *were assigned and made over by the said Company to the*
 ' *Lord Chief Baron and other Barons of the said Court of Ex-*
 ' *chequer until the said Sum of Twenty-five thousand Pounds,*
 ' *with Interest, should be paid and satisfied: And whereas the*
 ' *said Sum of Twenty-five thousand Pounds was applied towards*
 ' *completing the Crinan Canal, but being found insufficient for*
 ' *that Purpose, a further Sum of Twenty-five thousand Pounds*
 ' *was advanced to the said Company out of the Aids or Sup-*
 ' *plies granted for the Service of Great Britain for the Year*
 ' *One thousand eight hundred and five, by virtue of an Act*
 ' *passed in the Forty-fifth Year of the Reign of His said*
 ' *Majesty, intituled An Act for authorizing the Commissioners*
 ' *of His Majesty's Treasury in Great Britain to advance a cer-*
 ' *tain Sum of Money, to be applied in completing the Crinan*
 ' *Canal, whereby it was provided that the Rates and Duties*
 ' *arising from the Crinan Canal, and all the Estate, Right,*
 ' *Title, and Interest of the said Company in and to the same,*
 ' *and the Quays, Houses, Lands, and other Property aforesaid,*
 ' *should remain vested in the Lord Chief Baron and other*
 ' *Barons of the Court of Exchequer in Scotland until not only*
 ' *the said first-mentioned Sum of Twenty-five thousand Pounds*
 ' *and Interest, but also the said further Sum of Twenty-five*
 ' *thousand Pounds, with Interest, should be satisfied and paid,*
 ' *in the same Manner and as fully and effectually as if another*
 ' *Assignment thereof had been made, which last-mentioned*
 ' *Sum of Twenty-five thousand Pounds was afterwards applied*
 ' *towards the Purposes mentioned in the said last-recited Act:*
 ' *And whereas by an Act passed in the Fifty-first Year of the*
 ' *Reign of His said Majesty King George the Third, intituled*
 ' *An Act for granting to His Majesty certain Sums of Money*
 ' *out of the Consolidated Fund of Great Britain, and for apply-*
 ' *ing certain Monies therein mentioned for the Service of the Year*
 ' *One thousand eight hundred and eleven, and for further appro-*
 ' *priating the Supplies granted in this Session of Parliament, the*
 ' *Sum of Five thousand Pounds was granted to His Majesty*
 ' *for effecting the Repairs which were then necessary in conse-*
 ' *quence of the Inundation of the Crinan Canal in the Year*
 ' *One thousand eight hundred and eleven; and the said Sum*
 ' *of Five thousand Pounds having been soon afterwards received*
 ' *from the Lords Commissioners of the Treasury, the same was*
 ' *applied accordingly, and the Tolls, Rates, and Duties arising*
 ' *from the Crinan Canal, and all the Estate, Right, Title, and*
 ' *Interest*

Interest of the said Company in and to the same, and the Quays, Houses, Lands, and other Property aforesaid, were assigned to the said Lord Chief Baron and other Barons of the Court of Exchequer in *Scotland* until the said Sum of Five thousand Pounds, with Interest, should be paid and satisfied: And whereas by virtue of an Act passed in the Fifty-sixth Year of the Reign of His said Majesty, intituled *An Act for authorizing the Barons of the Court of Exchequer* 56 G. 3. c. 135. in *Scotland* to order the Payment of a certain Sum of Money, to be applied in completing the *Crinan Canal*, the Sum of Nineteen thousand four hundred Pounds was paid to the Commissioners of the *Caledonian Canal*, by the Receiver General of *Scotland*, out of the public Money in his Hands, to be applied, after Payment of the Charges and Expenses of obtaining the said last-recited Act, in completing and repairing the *Crinan Canal* and other Works connected therewith, in such Manner as the said Commissioners should appoint; and by the said Act it was enacted that the Rates and Duties arising from the *Crinan Canal*, and all the Estate, Right, Title, and Interest of the said Company in and to the same, and the Quays, Houses, Lands, and other Property therein mentioned, should remain vested in the said Lord Chief Baron and other Barons of the Court of Exchequer in *Scotland* until not only the said several Sums of Twenty-five thousand Pounds, Twenty-five thousand Pounds, and Five thousand Pounds, and Interest for the same respectively, but also the said Sum of Nineteen thousand four hundred Pounds, with Interest, should be paid or satisfied, in the same Manner and as fully and effectually as if another Assignment thereof had been made: And whereas, in obedience to a Minute issued by the Lords Commissioners of Her Majesty's Treasury on the Twentieth Day of *August* in the Year One thousand eight hundred and thirty-three, by virtue of an Act passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Execution of* 3 & 4 W. 4. c. 13. the Duties performed by the Barons of Exchequer in *Scotland* in relation to the Public Revenue, and to place the Management of the Assessed Taxes and Land Tax in *Scotland* under the Commissioners for the Affairs of Taxes, the remaining Barons of the said Court of Exchequer in *Scotland* divested themselves of the Rates and Duties arising from the *Crinan Canal*, the Canal itself, and all the Estate, Right, Title, and Interest of the aforesaid Company in and to the same, and the Quays, Houses, Lands, and other Property thereof, and conveyed the same and every Part thereof to the King's Remembrancer and Auditor of Exchequer in *Scotland* for the Time being: And whereas the said Sum of Nineteen thousand four hundred Pounds was applied towards the Expenses mentioned in the said recited Act of the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, aforesaid: And whereas the Commissioners of the *Caledonian Canal*, although originally appointed under the said Act only to superintend the Expenditure

45 G. 3. c. 85.

51 G. 3. c. 117.

‘ repealing so much of an Act of the Twenty-fourth Year of
 ‘ His present Majesty as relates to the said Company; and for
 ‘ enabling the Barons of the said Court of Exchequer to advance
 ‘ Part of the Sum so to be received to the Company of Pro-
 ‘ prietors of the Crinan Canal, on certain Conditions: And
 ‘ whereas, pursuant to the Provisions of the said last-recited
 ‘ Act, all the Rates and Duties arising from the Crinan Canal,
 ‘ and all the Estate, Right, and Interest of the said Company
 ‘ in and to the same, and all Quays, Houses, Lands, and other
 ‘ Property purchased for the Purposes of the Crinan Canal,
 ‘ were assigned and made over by the said Company to the
 ‘ Lord Chief Baron and other Barons of the said Court of Ex-
 ‘ chequer until the said Sum of Twenty-five thousand Pounds,
 ‘ with Interest, should be paid and satisfied: And whereas the
 ‘ said Sum of Twenty-five thousand Pounds was applied towards
 ‘ completing the Crinan Canal, but being found insufficient for
 ‘ that Purpose, a further Sum of Twenty-five thousand Pounds
 ‘ was advanced to the said Company out of the Aids or Sup-
 ‘ plies granted for the Service of Great Britain for the Year
 ‘ One thousand eight hundred and five, by virtue of an Act
 ‘ passed in the Forty-fifth Year of the Reign of His said
 ‘ Majesty, intituled *An Act for authorizing the Commissioners*
 ‘ *of His Majesty’s Treasury in Great Britain to advance a cer-*
 ‘ *tain Sum of Money, to be applied in completing the Crinan*
 ‘ *Canal*, whereby it was provided that the Rates and Duties
 ‘ arising from the Crinan Canal, and all the Estate, Right,
 ‘ Title, and Interest of the said Company in and to the same,
 ‘ and the Quays, Houses, Lands, and other Property aforesaid,
 ‘ should remain vested in the Lord Chief Baron and other
 ‘ Barons of the Court of Exchequer in Scotland until not only
 ‘ the said first-mentioned Sum of Twenty-five thousand Pounds
 ‘ and Interest, but also the said further Sum of Twenty-five
 ‘ thousand Pounds, with Interest, should be satisfied and paid,
 ‘ in the same Manner and as fully and effectually as if another
 ‘ Assignment thereof had been made, which last-mentioned
 ‘ Sum of Twenty-five thousand Pounds was afterwards applied
 ‘ towards the Purposes mentioned in the said last-recited Act:
 ‘ And whereas by an Act passed in the Fifty-first Year of the
 ‘ Reign of His said Majesty King George the Third, intituled
 ‘ *An Act for granting to His Majesty certain Sums of Money*
 ‘ *out of the Consolidated Fund of Great Britain, and for apply-*
 ‘ *ing certain Monies therein mentioned for the Service of the Year*
 ‘ *One thousand eight hundred and eleven, and for further appro-*
 ‘ *priating the Supplies granted in this Session of Parliament*, the
 ‘ Sum of Five thousand Pounds was granted to His Majesty
 ‘ for effecting the Repairs which were then necessary in conse-
 ‘ quence of the Inundation of the Crinan Canal in the Year
 ‘ One thousand eight hundred and eleven; and the said Sum
 ‘ of Five thousand Pounds having been soon afterwards received
 ‘ from the Lords Commissioners of the Treasury, the same was
 ‘ applied accordingly, and the Tolls, Rates, and Duties arising
 ‘ from the Crinan Canal, and all the Estate, Right, Title, and
 ‘ Interest

' Interest of the said Company in and to the same, and the
 ' Quays, Houses, Lands, and other Property aforesaid, were
 ' assigned to the said Lord Chief Baron and other Barons of
 ' the Court of Exchequer in *Scotland* until the said Sum of
 ' Five thousand Pounds, with Interest, should be paid and
 ' satisfied: And whereas by virtue of an Act passed in the
 ' Fifty-sixth Year of the Reign of His said Majesty, intituled
 ' *An Act for authorizing the Barons of the Court of Exchequer* 56 G. 3. c. 135.
 ' *in Scotland to order the Payment of a certain Sum of Money,*
 ' *to be applied in completing the Crinan Canal,* the Sum of Nine-
 ' teen thousand four hundred Pounds was paid to the Com-
 ' missioners of the *Caledonian Canal*, by the Receiver General
 ' of *Scotland*, out of the public Money in his Hands, to be
 ' applied, after Payment of the Charges and Expenses of ob-
 ' taining the said last-recited Act, in completing and repairing
 ' the *Crinan Canal* and other Works connected therewith, in
 ' such Manner as the said Commissioners should appoint; and
 ' by the said Act it was enacted that the Rates and Duties
 ' arising from the *Crinan Canal*, and all the Estate, Right,
 ' Title, and Interest of the said Company in and to the same,
 ' and the Quays, Houses, Lands, and other Property therein
 ' mentioned, should remain vested in the said Lord Chief Baron
 ' and other Barons of the Court of Exchequer in *Scotland* until
 ' not only the said several Sums of Twenty-five thousand
 ' Pounds, Twenty-five thousand Pounds, and Five thousand
 ' Pounds, and Interest for the same respectively, but also the
 ' said Sum of Nineteen thousand four hundred Pounds, with
 ' Interest, should be paid or satisfied, in the same Manner and
 ' as fully and effectually as if another Assignment thereof had
 ' been made: And whereas, in obedience to a Minute issued
 ' by the Lords Commissioners of Her Majesty's Treasury on the
 ' Twentieth Day of *August* in the Year One thousand eight
 ' hundred and thirty-three, by virtue of an Act passed in the
 ' Third Year of the Reign of His late Majesty King *William*
 ' the Fourth, intituled *An Act to provide for the Execution of* 3 & 4 W. 4. c. 13.
 ' *the Duties performed by the Barons of Exchequer in Scotland*
 ' *in relation to the Public Revenue, and to place the Management*
 ' *of the Assessed Taxes and Land Tax in Scotland under the*
 ' *Commissioners for the Affairs of Taxes,* the remaining Barons
 ' of the said Court of Exchequer in *Scotland* divested them-
 ' selves of the Rates and Duties arising from the *Crinan Canal*,
 ' the Canal itself, and all the Estate, Right, Title, and Interest
 ' of the aforesaid Company in and to the same, and the Quays,
 ' Houses, Lands, and other Property thereof, and conveyed the
 ' same and every Part thereof to the King's Remembrancer and
 ' Auditor of Exchequer in *Scotland* for the Time being: And
 ' whereas the said Sum of Nineteen thousand four hundred
 ' Pounds was applied towards the Expenses mentioned in the
 ' said recited Act of the Fifty-sixth Year of the Reign of His
 ' Majesty King *George* the Third, aforesaid: And whereas the
 ' Commissioners of the *Caledonian Canal*, although originally
 ' appointed under the said Act only to superintend the Expen-
 ' diture

‘ diture of the said Grant of Nineteen thousand four hundred
‘ Pounds, have, with the Sanction of the Lords Commissioners
‘ of Her Majesty’s Treasury for the Time being, continued to
‘ manage the Affairs of the *Crinan* Canal ever since: And
‘ whereas the public Debt on the *Crinan* Canal amounts alto-
‘ gether to the Sum of Seventy-four thousand four hundred
‘ Pounds, without calculating the Interest which has been long
‘ accumulated and might be claimed: And whereas the Revenue
‘ derived from the *Crinan* Canal has been since its Construction
‘ and is now scarcely sufficient to defray the Cost of maintain-
‘ ing the Canal in efficient working Order, and there is no
‘ Prospect of any Augmentation of such Revenue, except by
‘ an Adjustment of the Duties leviable, and by the Expenditure
‘ of large Sums of Money, as considerable Repairs are still
‘ necessary to render this Navigation safe and permanently
‘ useful: And whereas, considering the heavy public Debt now
‘ due by the said Company of Proprietors, and the lengthened
‘ Period of Time which has elapsed since the Commencement
‘ of such Debt, and also considering the present State of the
‘ Revenue derived from the *Crinan* Canal, and the necessary
‘ Expenditure thereon, it is just and reasonable that the said
‘ Canal and Works connected therewith should be held at the
‘ Disposal of the Commissioners of Her Majesty’s Treasury,
‘ freed and discharged from all the Right, Title, Interest, Claim,
‘ and Equity of the said Company of Proprietors, or of any
‘ Person or Persons claiming from or through them: And
‘ whereas it would be expedient and advantageous if the Com-
‘ missioners of the *Caledonian* Canal were incorporated in man-
‘ ner herein-after mentioned: And whereas it appears to the said
‘ Commissioners of Her Majesty’s Treasury to be essential that
‘ the *Crinan* Canal and Works connected therewith should be
‘ vested in the Commissioners of the *Caledonian* Canal, in order
‘ that both Navigations may be united under the same Manage-
‘ ment:’ Be it therefore enacted by the Queen’s most Excellent
Majesty, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parlia-
ment assembled, and by the Authority of the same, That so
much of the said recited Acts of the Forty-third and Forty-
fourth Years of the Reign of His said Majesty King *George* the
Third as relates to the Appointment of Commissioners for the
Purpose of carrying out the Provisions of the said Acts shall
from and after the passing of this Act be null, void, and of no
Effect, and the Commission itself shall cease to exist.

So much of
recited Acts of
43 & 44 G. 3.
as relates to
appointing Com-
missioners null
and void.

New Commis-
sioners incor-
porated.

II. And be it enacted, That the Right Honourable the Speaker
of the House of Commons for the Time being, the Chancellor
of the Exchequer for the Time being, the Lord High Admiral
for the Time being, or the senior of the Commissioners for exe-
cuting the Office of Lord High Admiral for the Time being, the
Vice President of the Board of Trade for the Time being, the
Lord Advocate for the Time being, *William Gibson Craig*
Esquire (so long as he shall be One of the Lords of Her Ma-
jesty’s Treasury), *James Loch* Esquire, *Alexander Milne* Esquire,

Duncan Macneill Esquire (or the Member for the County of *Argyll* for the Time being), *Neill Malcolm* Esquire, *Alexander Campbell* Esquire, *Edward Ellice* junior, Esquire, *James Murray Grant* Esquire, and *Evan Baillie* Esquire, and such other Person or Persons as shall or may be appointed as herein-after mentioned, shall be and are hereby united into One Body Politic and Corporate by the Name and Style of "The Commissioners of the *Caledonian Canal*," and by that Name shall have perpetual Succession, and a Common Seal, with Power to change, break, and make new the same as they shall judge expedient, and by that Name shall and may sue and be sued, and may acquire, hold, and enjoy and also acquire and dispose of Lands and Property, heritable and moveable, real and personal.

III. And be it enacted, That it shall be lawful for Her Majesty, Her Heirs and Successors, to nominate and appoint by Sign Manual such other Persons as She or They may think proper, but not exceeding Eight in the whole, to be Commissioners in addition to the Commissioners before named; and in case of a Vacancy or Vacancies by Death or Resignation of any One or more of the Commissioners it shall be lawful for Her Majesty, Her Heirs and Successors, to nominate and appoint by Sign Manual such Person or Persons as She or They may think proper to supply such Vacancy or Vacancies, One of the Lords of Her Majesty's Treasury for the Time being always being One of the Commissioners.

Power to Her Majesty to appoint other Commissioners.

IV. And be it enacted, That from and after the passing of this Act the said *Caledonian Canal*, and all Warehouses, Buildings, Wharfs, Reservoirs, Lands, Tenements, and Hereditaments connected therewith, and all Chattels, Moveable Property, and Effects thereto belonging, shall be and hereby are subject to the existing Debts, Liabilities, and Engagements, Contracts, Obligations, and Incumbrances affecting the same, vested in the Commissioners, and the Commissioners shall have and be seised and possessed of and are hereby invested with such and the like Estates, Authorities, Powers, Abilities, Interests, Privileges, and Advantages, and shall be and are hereby made subject and liable to such and the like Rules, Conditions, Directions, Regulations, Limitations, Restrictions, and Control, as are mentioned, directed, given, granted, prescribed, and established in and by the said recited Acts of the Forty-third and of the Forty-fourth Years of the Reign of His said Majesty King *George* the Third, of the Sixth Year of the Reign of His said Majesty King *George* the Fourth, and of the Third and Fourth Years of the Reign of Her present Majesty, to every Intent and Purpose whatsoever, with respect to the Commissioners of the *Caledonian Canal* before the passing of this Act; and the Commissioners shall have and be entitled unto the full Benefit and Advantage of and be subject to all and every the Clauses, Provisoes, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Matters, and Things contained in the said last-mentioned Acts (except such Parts thereof as are hereby varied and altered) in such

Caledonian Canal vested in the Commissioners.

such and the same Manner and as fully and effectually, to all Intents and Purposes, as if all the said Clauses, Provisoes, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Matters, and Things were hercin repeated and re-enacted.

Crinan Canal
vested in the
Commissioners.

V. And be it enacted, That from and after the passing of this Act the Tolls and Rates arising from the *Crinan* Canal, and also the Canal itself, and all the Estate, Right, Title, and Interest in and to the same, and all Quays, Houses, Lands, Privileges, Easements, and Appurtenances belonging or appertaining thereunto, shall be and become the Property of and the same are hereby transferred to and vested in the Commissioners, freed and discharged from all Rights, Equity, or Claim of the said Company of Proprietors of the *Crinan* Canal, or of any Person or Persons claiming through them, except as hereinafter provided; and the Commissioners shall thenceforth have and enjoy all the Rights, Powers, and Authorities for levying, taking, altering, and managing the Tolls, Rates, and Duties leviable on the *Crinan* Canal, and all other Rights, Powers, and Authorities now or at any Time heretofore possessed or enjoyed by the said Company of Proprietors, and shall and may henceforth undertake and exercise the Management and Administration of the *Crinan* Canal, and of every thing connected therewith, in as full and ample a Manner as now appertains to them with regard to the *Caledonian* Canal under or by virtue of the said last-mentioned Acts and of this Act; and from and after the passing of this Act all Right of Management or Interference, and all Interest of any other Parties whatsoever, of or in the *Crinan* Canal, and the Works and Appurtenances thereof or belonging thereto, and the Tolls and Rates arising therefrom, shall to all Intents and Purposes, except as herein-after provided, cease and determine.

Crinan Canal
to revert to the
Company on
the Debt being
paid.

VI. Provided always, and be it enacted, That if the said Company of Proprietors shall at any Time within Twenty Years from the passing of this Act pay or cause to be paid into Her Majesty's Treasury the said Sum of Seventy-four thousand four hundred Pounds, with legal Interest thereon, and also all such Sums of Money as the Commissioners shall have expended in improving and keeping in repair the *Crinan* Canal and Works connected therewith, over and above the Amount of the Tolls and Rates which shall in the meantime have been received from the said Canal, then and in such Case the Tolls and Rates arising from the said Canal, and also the said Canal itself, and all the Estate, Right, Title, and Interest in and to the same, and all Quays, Houses, Lands, Privileges, Easements, and Appurtenances belonging or appertaining thereunto, shall revert to and again become the Property of and be vested in the said Company of Proprietors, freed and discharged from all Claims on the Part of Her Majesty's Treasury, in as full and ample a Manner, to all Intents and Purposes, as if this Act had not been passed: Provided nevertheless, that all Agreements, Acts, and Things entered into, made, or done by the Commissioners from
and

and after the passing of this Act, and until such Resumption of Possession by the said Company of Proprietors as aforesaid, shall be good, valid, and binding on all Parties, anything hereinbefore contained to the contrary notwithstanding.

VII. And be it enacted, That in this Act the Words "the Commissioners" shall mean the Commissioners of the *Caledonian Canal* hereby incorporated, unless there be something in the Subject or Context repugnant to such Construction. Interpretation of Act.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended, &c.

CAP. LV.

An Act for consolidating the Offices of Paymasters of Exchequer Bills and Paymaster of Civil Services with the Office of Paymaster General, and for making other Provisions in regard to the consolidated Offices.

[14th August 1848.]

‘ WHEREAS by an Act passed in the Forty-eighth Year
 ‘ of the Reign of His late Majesty King *George* the Third,
 ‘ intituled *An Act for regulating the Issue and paying off of* 48 G. 3. c. 1.
 ‘ *Exchequer Bills*, Provision was made for the Appointment by
 ‘ the Commissioners of the Treasury of a Paymaster or Pay-
 ‘ masters, and such other Officers and Clerks as they might
 ‘ deem necessary, for performing the Duties connected with the
 ‘ paying off of Exchequer Bills and the Interest thereupon:
 ‘ And whereas under the said Act Paymasters have been ap-
 ‘ pointed, who are herein-after referred to as the Paymasters
 ‘ of Exchequer Bills: And whereas by an Act passed in the
 ‘ Fourth Year of the Reign of His late Majesty King *William*
 ‘ the Fourth, intituled *An Act to regulate the Office of the* 4 & 5 W. 4. c. 15.
 ‘ *Receipt of His Majesty's Exchequer at Westminster*, Provision
 ‘ was made for the Appointment by the Commissioners of the
 ‘ Treasury of a Paymaster or Officer, with such Number of
 ‘ Clerks and Assistants as the said Commissioners might deem
 ‘ requisite, for the Payment of Salaries, Allowances, and Inci-
 ‘ dents, and other Charges previously payable in detail at the
 ‘ Exchequer, under the Authority of Parliament, or under the
 ‘ Royal Sign Manual, or under the Authority of the Commis-
 ‘ sioners of the Treasury duly authorized by Law to order such
 ‘ Payments, and for carrying on and executing the several
 ‘ Duties connected with or incident to such Payments: And
 ‘ whereas under the last-mentioned Act a Paymaster has been
 ‘ appointed, who is herein-after referred to as the Paymaster of
 ‘ Civil Services: And whereas it is expedient to provide for the
 ‘ Execution of the Duties of the Paymasters appointed under
 ‘ the said Acts by the Office of Her Majesty's Paymaster
 ‘ General, constituted under an Act passed in the Sixth Year 5 & 6 W. 4. c. 35.
 ‘ of the Reign of His late Majesty King *William* the Fourth:’
 Be it therefore enacted by the Queen's most Excellent Majesty,
 by

Power to Treasury to abolish Offices of Paymasters of Exchequer Bills and of Civil Services.

Duties of abolished Offices transferred to Paymaster General.

Letters of Attorney to continue in force.

Treasury to make new Regulations for Office of Paymaster General.

Regulations to be laid before Parliament.

by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, to abolish the Offices of the Paymasters of Exchequer Bills and of the Paymaster of Civil Services, and to make Provision for the Discharge of the Duties now executed in those Offices by the Office of Her Majesty's Paymaster General.

II. And be it enacted, That from and after the Abolition of the said Offices, and the Transfer of the Duties thereof to Her Majesty's Paymaster General, all the Interests, Titles, Powers, Authorities, Privileges, and Duties now vested in, or either by Law or Usage exercised by, the said Offices so abolished respectively, shall be and the same are hereby declared to be transferred to and vested in and may be exercised by the said Paymaster General, or by such Person or Persons as may be duly authorized from Time to Time to perform the Duties of such Paymaster General, in as full and ample a Manner to all Intents and Purposes as they were vested in and might have been exercised by the Paymasters of Exchequer Bills and Paymaster of Civil Services respectively.

III. And be it enacted, That no Letter of Attorney or other Authority for the Payment or Receipt of all or any Part of any Salary, Allowance, Incident, or other Charge now payable by the said Paymaster of Civil Services, shall be invalidated or revoked by the Abolition of the Office of such Paymaster, but every such Letter of Attorney and other Authority shall continue in force and may be acted upon in relation to and by the said Paymaster General in the same Manner as the same might have been acted upon in relation to and by the Paymaster of Civil Services if his Office had not been abolished.

IV. 'And whereas by reason of the Transfer of the Duties of the said Offices to the Office of Her Majesty's Paymaster General it will be necessary that new Regulations should be prescribed for the Government of the Office of Her Majesty's Paymaster General:' Be it therefore enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury and they are hereby empowered to prescribe such Rules and Regulations and to issue such Orders from Time to Time in all Matters and Things relating to the said Office, for the Safety, Economy, and Advantage of the public Service, as they shall see fit, which Rules, Regulations, and Orders shall be of full Force and Authority, and shall be observed by the Comptroller General of Her Majesty's Exchequer, and by the Governor and Company of the Bank of *England*, and by all Bodies and Persons whatsoever, in relation to all Matters and Things therein contained.

V. And be it enacted, That a Return setting forth all Rules, Regulations, and Orders which shall have been prescribed and issued by the Commissioners of Her Majesty's Treasury in relation to the Duties of the said Office shall be laid before Parliament within Six Weeks from the Date of the Issue thereof, if

if Parliament be then sitting, and if not then sitting within Six Weeks from the Day of the next ensuing Meeting of Parliament.

VI. ' And whereas an Act was passed in the Tenth Year of 10 G. 4. c. 26.
' the Reign of His late Majesty King *George* the Fourth,
' intituled *An Act for transferring the Management of Greenwich*
' *Out-Pensioners, and certain Duties in Matters of Prize, to the*
' *Treasurer of the Navy*, whereby it was directed that the said
' Treasurer of the Navy should keep a separate Account at the
' Bank of *England* of all Monies received and paid by him on
' account of Per-centage upon Prizes and otherwise in relation
' to Naval Prize Services as therein mentioned; and such Ac-
' count is now kept at the Bank of *England* under the Title of
' the Paymaster General's Naval Prize Account: And whereas
' it is expedient that such separate Account of Monies received
' and paid for Naval Prize Services should hereafter be kept in
' the Books of Her Majesty's Paymaster General, and not at the
' Bank of *England*:' Be it therefore enacted, That after the
passing of this Act the Governor and Company of the Bank of
England shall, on being required so to do by Her Majesty's Pay-
master General, transfer the Balance of the said Naval Prize
Account to the Cash Account opened in the Books of the said
Governor and Company of the Bank of *England* in the Name of
the Paymaster General for the Time being.

Balance of
Naval Prize
Account to be
transferred to
Paymaster
General.

VII. ' And whereas the Sum of One hundred thousand
' Pounds *Three per Centum* Consolidated Bank Annuities, arisen
' from unclaimed and forfeited Shares of Army Prize Money, is
' now standing in an Account in the Books of the Governor and
' Company of the Bank of *England*, in the Names of "The
' Right Honourable *Thomas Babington Macaulay*, Her Majesty's
' Paymaster General, and *William George Anderson* Esquire,
' Accountant in the Office of Her Majesty's Paymaster General:"
' And whereas it is expedient to vest the said Stock in the Pay-
' master General and the Secretary at War for the Time being,
' subject to the Direction of the Commissioners of *Chelsea*
' Hospital:' Be it therefore enacted, That there shall be opened
an Account in the Books of the Governor and Company of the
Bank of *England*, to be intituled "The Stock Account of
the Paymaster General and Secretary at War, as Trustees for the
Army Prize Fund," and such Account shall be a public Account;
and upon the Death, Resignation, or Removal of both or either
of them the said Paymaster General and Secretary at War for
the Time being, and upon the Appointment of their or his Suc-
cessors or Successor, the Balance of the said Account shall vest
in the then Paymaster General and Secretary at War jointly,
and when and so long as the Office of One only of them the
said Paymaster General and Secretary at War shall be vacant,
the said Balance shall vest in the other of them the said Pay-
master General or Secretary at War for the Time being, without
any Transfer or Act in any of the Cases aforesaid.

Vesting Army
Prize Stock in
the Paymaster
General and
Secretary at
War for the
Time being.

VIII. And be it enacted, That from the passing of this Act
the said Sum of One hundred thousand Pounds *Three per Centum*
Consolidated Bank Annuities standing in the Names of the said

As to Transfer
of the Stock.

Thomas Babington Macaulay and *William George Anderson* shall stand transferred to the said Account, so that the same may be held by the said Paymaster General and Secretary at War, subject nevertheless to the Direction of the said Commissioners of *Chelsea Hospital* as to the Application thereof; and the said *Thomas Babington Macaulay* and *William George Anderson* respectively are hereby released from all Claim whatsoever on account of the said Stock, or anything heretofore done in relation to the same.

Power to grant
Power of At-
torney for Pur-
chase or Sale of
Stock, and for
Receipt of
Dividenda.

Power of At-
torney exempt
from Stamp
Duty.

Act may be
amended, &c.

IX. And be it enacted, That it shall be lawful for the said Paymaster General and Secretary at War, and during the Vacancy of the Office of either of them then for the other of them the Paymaster General or Secretary at War for the Time being, by Letter of Attorney duly executed and attested as is required by Law, to authorize all or any of the Cashiers of the Bank of *England* from Time to Time to sell and transfer all or any Part of the Stock for the Time being standing on the Account hereinbefore authorized to be opened, and to purchase Stock on the said Account, and to receive the Dividends due and to become due on Stock standing in the said Account, and by the said Letters of Attorney, or by Writing under their or his Hands or Hand, to direct the Application of the Monies to be received in respect of such Sales and Dividends; and every such Power of Attorney shall be exempted from Stamp Duty, and it shall not be necessary for the Governor and Company or the said Cashiers to require any Evidence of the Direction of the Commissioners of *Chelsea Hospital* as to the Matters so authorized by such Letters of Attorney and Directions of the said Paymaster General and Secretary at War, or during the Vacancy of the Office of either of them, by such Letters of Attorney and Directions of the other of them the Paymaster General or Secretary at War for the Time being.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. LVI.

An Act to repeal so much of an Act of the Third and Fourth Years of Her present Majesty, to re-unite the Provinces of *Upper* and *Lower Canada*, and for the Government of *Canada*, as relates to the Use of the *English* Language in Instruments relating to the Legislative Council and Legislative Assembly of the Province of *Canada*. [14th August 1848.]

3 & 4 Vict. c. 35. **WHEREAS** by an Act passed in the Session of Parliament held in the Third and Fourth Years of Her present Majesty, intituled *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, it is amongst other things enacted, that from and after the said Re-union of the said Two Provinces, all Writs, Proclamations, Instruments

‘ Instruments for summoning and calling together the Legisla-
 ‘ tive Council and Legislative Assembly of the Province of
 ‘ *Canada*, and for proroguing and dissolving the same, and all
 ‘ Writs of Summons and Elections, and all Writs and Public
 ‘ Instruments whatsoever relating to the said Legislative Council
 ‘ and Legislative Assembly, or either of them, and all Returns
 ‘ to such Writs and Instruments, and all Journals, Entries, and
 ‘ written or printed Proceedings of what Nature soever, of the
 ‘ said Legislative Council and Legislative Assembly, and of each
 ‘ of them respectively, and all written or printed Proceedings
 ‘ and Reports of Committees of the said Legislative Council and
 ‘ Legislative Assembly respectively, shall be in the *English*
 ‘ Language only: Provided always, that the said Enactment
 ‘ should not be construed to prevent translated Copies of any
 ‘ such Documents being made, but no such Copy should be kept
 ‘ among the Records of the Legislative Council or Legislative
 ‘ Assembly, or be deemed in any Case to have the Force of an
 ‘ original Record: And whereas it is expedient to alter the Law
 ‘ in this respect, in order that the Legislature of the Province
 ‘ of *Canada*, or the said Legislative Council and Legislative
 ‘ Assembly respectively, may have Power to make such Regu-
 ‘ lations herein as to them may seem advisable;’ Be it therefore
 enacted by the Queen’s most Excellent Majesty, by and with
 the Advice and Consent of the Lords Spiritual and Temporal,
 and Commons, in this present Parliament assembled, and by the
 Authority of the same, That from and after the passing of this
 Act so much of the said recited Act as is herein-before recited
 shall be repealed.

So much of
 recited Act as
 enacts that all
 Writs, &c. shall
 be in English
 repealed.

II. And be it enacted, That this Act, or any Part thereof,
 may be repealed, altered, or varied at any Time during the
 present Session of Parliament.

Act may be
 amended, &c.

CAP. LVII.

An Act to enable Her Majesty to exchange the Advow-
 son of the Vicarage of *Stoneleigh* in the County of
Warwick for the Advowsons of the Rectory of *Yoxall*
 in the County of *Stafford* and the Perpetual Curacy
 of *Hunningham* in the County of *Warwick*.

[14th August 1848.]

‘ WHEREAS the Queen’s most Excellent Majesty in right
 ‘ of Her Crown is seised of the Advowson of the Vicarage
 ‘ of *Stoneleigh* in the County of *Warwick*, in the Diocese of
 ‘ *Worcester*, with the District Church of *Westwood Heath*
 ‘ annexed thereto: And whereas by an Indenture of Settlement,
 ‘ bearing Date the Fifth Day of *November* One thousand eight
 ‘ hundred and twelve, and made between the Reverend *Thomas*
 ‘ *Leigh* Clerk (since deceased) of the First Part, *James Henry*
 ‘ *Leigh* Esquire (since also deceased) of the Second Part, *Chandos*
 ‘ *Leigh* Esquire, now the Right Honourable *Chandos* Lord *Leigh*
 ‘ (only Son and Heir Apparent of the said *James Henry Leigh*),

‘ of the Third Part, *George Kinderley* and *William Domville*
 ‘ Gentlemen of the Fourth Part, *Thomas Graham* and *William*
 ‘ *Bentham* Esquires of the Fifth Part, and *George Talbot* Esquire,
 ‘ the Reverend *Theophilus Leigh Cooke* Clerk, and *Edward Hyde*
 ‘ *East* Esquire of the Sixth Part, the Advowson of the Rectory
 ‘ of *Yoxall* in the County of *Stafford*, and the Piece of Land
 ‘ in the Parish of *Yoxall* which is described in the Schedule to
 ‘ this Act annexed, and the Advowson of the Perpetual Curacy
 ‘ of *Hunningham* in the County of *Warwick* aforesaid, and the
 ‘ Piece of Land near the Church of *Hunningham*, containing
 ‘ Two Acres Two Roods and Thirty-six Perches, or thereabouts,
 ‘ also described in the said Schedule, together with the Manor
 ‘ of *Stoneleigh*, and divers Estates and Hereditaments, being the
 ‘ Family Estates of the late Lord *Leigh*, including the greater
 ‘ Part of the Parish of *Stoneleigh* aforesaid and the Mansion
 ‘ House called *Stoneleigh Abbey*, are limited to certain Uses or
 ‘ Trusts in strict Settlement, under which the said *Chandos*
 ‘ Lord *Leigh* is Tenant for Life in Possession; and in the said
 ‘ Indenture is contained a Power for the Trustees or Trustee of
 ‘ the said Settlement, at the Request and by the Direction of
 ‘ the said *Thomas Leigh*, *James Henry Leigh*, and *Chandos* Lord
 ‘ *Leigh*, or the Survivors or Survivor of them, to exchange all
 ‘ or any Part of the Manors, Lands, and Hereditaments thereby
 ‘ settled for other Hereditaments in *England* or *Wales*, to be
 ‘ settled to the Uses and upon the Trusts thereby declared of
 ‘ the Hereditaments thereby settled: And whereas the said
 ‘ *Chandos* Lord *Leigh* has expended the Sum of Two thousand
 ‘ one hundred Pounds and upwards in or towards the Erection
 ‘ and Endowment of the District Church at *Westwood Heath* in
 ‘ the Parish of *Stoneleigh* aforesaid, the Patronage whereof is
 ‘ vested in the Vicars of *Stoneleigh* for the Time being, and in
 ‘ providing a Cottage and Garden for the Use of the Incumbent
 ‘ of the said District Church; and the said *Chandos* Lord *Leigh*
 ‘ has also erected Schools in the Neighbourhood of the said
 ‘ District Church, and still chiefly if not wholly maintains the
 ‘ same: And whereas the said *Chandos* Lord *Leigh* hath pro-
 ‘ posed to the Queen’s most Excellent Majesty that the said
 ‘ Piece or Parcel of Land in the Parish of *Yoxall* described in
 ‘ the said Schedule shall be annexed to the Rectory of *Yoxall*
 ‘ as and for Part of the Glebe of the said Rectory, and that the
 ‘ said Piece of Land in the Parish of *Hunningham* also described
 ‘ in the said Schedule shall be annexed to the Perpetual Curacy
 ‘ of *Hunningham* as and for the Glebe of the said Perpetual
 ‘ Curacy, and to serve as the Site of any Residence hereafter to
 ‘ be erected for the Incumbent of such Curacy, and that the
 ‘ Advowsons of the said Rectory of *Yoxall* and Perpetual Curacy
 ‘ of *Hunningham* shall be vested in Her Majesty, Her Heirs and
 ‘ Successors, in right of the Crown, in exchange for the Advow-
 ‘ son of the Vicarage of *Stoneleigh*, of which Her Majesty is so
 ‘ seised as aforesaid, and hath proposed that such Exchange shall
 ‘ be effected under the Power of Exchange in the said Indenture
 ‘ of Settlement contained: And whereas the yearly Value of
 ‘ the

‘ the said Rectory of *Yoxall*, (including the Piece of Land
 ‘ herein-before mentioned and proposed to be annexed to the
 ‘ same Rectory,) and of the said Perpetual Curacy of *Hunning-*
 ‘ *ham*, (including the Piece of Land herein-before mentioned
 ‘ and proposed to be annexed to the same Curacy,) amounts to
 ‘ the Sum of Six hundred and four Pounds Fourteen Shillings
 ‘ and Sixpence or thereabouts: And whereas the yearly Value
 ‘ of the said Vicarage of *Stoneleigh* and of the said District
 ‘ Church of *Westwood Heath*, so partly erected and also endowed
 ‘ by the said *Chandos* Lord *Leigh* as aforesaid, amounts to the
 ‘ Sum of Five hundred and eighty-four Pounds Twelve Shil-
 ‘ lings and Sixpence or thereabouts, and consequently the said
 ‘ proposed Exchange would be for the Benefit of the Crown;
 ‘ but no Power exists by Law whereby Her Majesty is enabled
 ‘ to effect the same:’ Be it therefore enacted by the Queen’s
 most Excellent Majesty, by and with the Advice and Consent
 of the Lords Spiritual and Temporal, and Commons, in this
 present Parliament assembled, and by the Authority of the same,
 That it shall be lawful for the Commissioners for the Time being
 of Her Majesty’s Woods, Forests, Land Revenues, Works, and
 Buildings, or any Two of them, and they are hereby authorized
 and empowered, with the Consent in Writing of the Commis-
 sioners for the Time being of Her Majesty’s Treasury, or any
 Three of them, for and on behalf of Her Majesty, Her Heirs
 and Successors, to grant and convey to the Trustees or Trustee
 for the Time being of the said recited Indenture of Settlement
 of the Fifth Day of *November* One thousand eight hundred and
 twelve (in whom such Power of Exchange is vested as afore-
 said), and their or his Heirs, the Perpetual Advowson of the
 Vicarage of *Stoneleigh* in the County of *Warwick*, freed and dis-
 charged from all Estate, Right, and Interest therein of Her
 Majesty, Her Heirs and Successors, in exchange for the Per-
 petual Advowson of the Rectory of *Yoxall* in the County of
Stafford and the Advowson of the Perpetual Curacy of *Hun-*
ningham in the County of *Warwick*, nevertheless to such of the
 Uses and upon and for such of the Trusts, Powers, and Provisions
 in and by the said Indenture of Settlement declared and contained
 of and concerning the said Advowson of the Rectory of *Yoxall*
 and the said Advowson of the Perpetual Curacy of *Hunningham*
 respectively as shall be then subsisting and capable of taking
 effect: and upon such Grant or Conveyance being made by the
 said Commissioners on behalf of Her Majesty as aforesaid it
 shall be lawful for the Trustees or Trustee for the Time being
 of the said recited Indenture of Settlement of the Fifth Day of
November One thousand eight hundred and twelve (in whom
 the Right to exercise the Power of Exchange in the said In-
 denture of Settlement contained is or shall be then vested), at
 such Request and by such Direction as are by the said Inden-
 ture of Settlement required on any Exchange to be made under
 the said Power, and notwithstanding such Inequality of Value
 as aforesaid, and they or he are and is hereby empowered and
 directed to convey to Her Majesty, Her Heirs and Successors.

Commissioners
 of Woods em-
 powered to
 convey the
 Advowson of
Stoneleigh in
 exchange for
 the Advowsons
 of *Yoxall* and
Hunningham.

all those the said Perpetual Advowson of the Rectory of *Yoxall* and the said Advowson of the Perpetual Curacy of *Hunningham*, with their respective Rights, Members, and Appurtenances, in exchange for the said Advowson of the Vicarage of *Stoneleigh*; and the Conveyance so to be made to Her Majesty, Her Heirs and Successors, by the said Trustees or Trustee as last aforesaid shall be enrolled in the Office of the Keeper of Land Revenue Records and Inrolments, and immediately after such Conveyance shall have been made and executed by the said Trustees or Trustee as aforesaid the Advowsons of the said Rectory of *Yoxall* and Perpetual Curacy of *Hunningham* respectively shall be vested in Her Majesty, Her Heirs and Successors, in right of the Crown, freed and discharged from all Estates, Rights, Titles, Charges, Claims, and Demands whatsoever of the said Trustees or Trustee, or of the said *Chandos Lord Leigh*, or any of his Ancestors, or of any other Persons or Person whomsoever; and the Patronage and Right of Presentation of and to the said Rectory and Perpetual Curacy respectively shall thereafter be exercised on behalf of Her Majesty, Her Heirs and Successors, by such Person or Persons by whom the Patronage and Right of Presentation to the Vicarage of *Stoneleigh* would or might have been exercised if the Advowson of the said Vicarage had not been conveyed away from Her Majesty in exchange as aforesaid.

After such Exchange the Advowson of *Stoneleigh* to be subject to the same Estates as *Yoxall* and *Hunningham* were subject to.

Lands in Schedule to be annexed to Rectory of *Yoxall* and Curacy of *Hunningham* respectively.

II. And be it enacted, That when such Exchange shall have been so effected as aforesaid the Advowson of the Vicarage of *Stoneleigh* shall be in all respects subject to such Rights, Estates, and Interests of all Persons whomsoever as the Advowson of the Rectory of *Yoxall* and the Advowson of the Perpetual Curacy of *Hunningham* were subject to immediately before such Exchange, and shall in all respects go and remain in lieu of and be substituted for the said Advowsons so to be conveyed to Her Majesty in exchange as aforesaid.

III. And be it enacted, That immediately on the Completion of the said Exchange as aforesaid the said Trustees or Trustee for the Time being exercising the said Power as aforesaid shall and they are hereby empowered and directed to convey to the Rector of *Yoxall* and his Successors, Rectors of *Yoxall* for ever, the Piece or Parcel of Land in the Parish of *Yoxall* described in the Schedule to this Act annexed, with all and singular the Appurtenances thereunto belonging, to be for ever thereafter annexed to the said Rectory of *Yoxall*, as Part of the Glebe thereof, and also to convey to the Perpetual Curate of *Hunningham* and his Successors, Perpetual Curates of *Hunningham* aforesaid, for ever, the Piece or Parcel of Land in the Parish of *Hunningham* also described in the said Schedule, with all and singular the Appurtenances thereunto belonging, to be for ever thereafter annexed to the said Perpetual Curacy of *Hunningham*, as the Glebe thereof; and the Conveyances of such Glebe Lands respectively shall be registered in the Registry of the Diocese wherein the said Rectory and Perpetual Curacy are situate.

IV. And

IV. And be it enacted, That all Grants, Conveyances, Deeds, and other Instruments to which the Queen's Majesty, Her Heirs and Successors, or the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall be Parties, for carrying into execution and completing the Exchange and Annexations hereby authorized to be made, shall be subject to the same Provisions and Regulations as to Enrolment or otherwise, and have the same Exemption from *ad valorem* and other Stamp Duties, as if the same had been made for the Sale or Exchange of Lands belonging to Her Majesty in right of Her Crown, under the Powers and Provisions of the Acts now in force for the Management and Improvement of the Land Revenues of the Crown in *England*.

Grants to be subject to the Regulations of the Land Revenue Acts.

THE SCHEDULE.

Parish of YOXALL, County of STAFFORD.

A Piece of Pasture Land, containing 2A. 3R. 8P., abutting Eastward upon the Garden of the Rectory of Yoxall in the Parish of Yoxall, Southward upon a public Road there from Yoxall to Hamstall, Westward upon Lands of George Turner, and Northward upon Lands of Elizabeth and Mary Sharp, as the said Piece or Parcel of Land is now or late was in the Tenure or Occupation of the Reverend Edward Willes, Clerk, Rector of the said Parish of Yoxall, or of his Under-tenants.

Parish of HUNNINGHAM, County of WARWICK.

A Piece or Parcel of Pasture Land, containing 3A. 2R. 36P. or thereabouts, adjoining to the Churchyard of the Parish of Hunningham, and Parcel of a Close there called the Moat Close, abutting Northward and Eastward upon Lands of the said Chandos Lord Leigh, South upon Lands of Mrs. Umbers, and West in part upon Lands of Mrs. Turner, in other Part upon the said Churchyard, and in the remaining Part upon other Lands of the said Chandos Lord Leigh, being the Residue of the said Close called the Moat Close; the West Boundary Fence where the same abuts upon the Moat Close to be made and for ever maintained by the said Chandos Lord Leigh, his Heirs and Assigns for ever.

CAP. LVIII.

An Act to authorize for Ten Years, and to the End of the then next Session of Parliament, the Regulation of the Annuities and Premiums of the Naval Medical Supplemental Fund Society. [14th August 1848.]

‘ WHEREAS under an Order in Council, bearing Date the
 ‘ Thirteenth Day of August One thousand eight hundred
 ‘ and seventeen, the Naval Medical Supplemental Fund Society
 ‘ was established for the Relief of Widows of Medical Officers
 ‘ in the Royal Navy, and certain Rules and Regulations were
 N n 4 ‘ thereby

Amount or
Rate of Pen-
sions and An-
nuities now
paid by, and
Premiums paid
to, the Society
shall continue
to be paid,
unless the Pa-
tron and Pre-
sident shall
think fit to
vary the same.

Proviso.

Term of Act.

Public Act.

Act may be
amended, &c.

‘ thereby made and prescribed for the Government, Regulation,
‘ and Management of the said Society and the Funds thereof:
‘ And whereas certain Pensions and Annuities have been and
‘ are paid and payable by, and Premiums have been and are
‘ paid and payable to, the said Society, and it is expedient that
‘ the Rate of the said Pensions, Annuities, and Premiums now
‘ paid or payable should be continued during the Continuance
‘ of this Act, unless it be found expedient to increase or reduce
‘ the Rate thereof, as herein-after mentioned:’ Be it therefore
enacted by the Queen’s most Excellent Majesty, by and with
the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
Authority of the same, That from and after the passing of this
Act the Amount or Rate of Pensions and Annuities now paid
and payable by, and the Rate of Premiums now paid and pay-
able to, the said Society, shall, during the Continuance of this
Act, continue to be paid and payable by and to the said Society,
unless the Lord High Admiral, or the First Commissioner for
executing the Office of Lord High Admiral for the Time being,
as Patron of the said Society, and the Secretary of the Admi-
ralty for the Time being, as President of the said Society, shall
deem it expedient at any Time or Times to increase or reduce
the same, in which Case it shall be lawful for the Lord High
Admiral or the said First Commissioner, and the said Secretary,
and they are hereby authorized and empowered, to increase or
reduce at any Time and from Time to Time, by Writing under
their respective Hands, as the Exigencies of the Case may seem
to them requisite, the Amount of the Annuity now or hereafter
payable by the said Society to Widows or other Claimants, pro-
vided that the Amount of the Annuities be not thereby rendered
less than Two Thirds of the Amount which is now paid, and
also to increase or reduce the Rates of Premium which now
are or shall be paid to the said Society for or in respect of any
Annuity, so that the Amount of the Premium shall not exceed
the Rates established by the said Order in Council: Provided
always, that nothing in this Act contained shall render it obli-
gatory on any Person to commence or continue the Payment of
the full or reduced Amount of any such Premiums of Insurance
as aforesaid.

II. And be it enacted, That this Act shall take effect and
continue in force for Ten Years from the passing thereof, and
from thence to the End of the then next Session of Parliament.

III. And be it enacted, That this Act shall be a Public Act,
and shall be judicially taken notice of as such.

IV. And be it enacted, That this Act may be amended or
repealed by any Act to be passed in the present Session of
Parliament.

CAP. LIX.

An Act for the more speedy Trial and Punishment of Juvenile Offenders in *Ireland*. [14th August 1848.]

‘ **W**HEREAS, in order in certain Cases to ensure the more speedy Trial of Juvenile Offenders in *Ireland*, and to avoid the Evils of their long Imprisonment previously to Trial, it is expedient to allow of such Offenders being proceeded against in a more summary Manner than is now by Law provided, and to give further Power to bail them:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person who shall, subsequently to the passing of this Act, be charged with having committed, or having attempted to commit, or with having been an Aider, Abettor, Counsellor, or Procurer in the Commission of any Offence in *Ireland*, which now is or hereafter shall or may be by Law deemed or declared to be Simple Larceny, or punishable as Simple Larceny, and whose Age at the Period of the Commission or attempted Commission of such Offence shall not, in the Opinion of the Justices before whom he or she shall be brought or appear as herein-after mentioned, exceed the Age of Fourteen Years, shall, upon Conviction thereof, upon his own Confession or upon Proof before any Two or more Justices of the Peace for any County, Riding, Division, Borough, Liberty, or Place in Petty Sessions assembled, at the usual Place and in open Court, be committed to the Common Gaol or House of Correction within the Jurisdiction of such Justices, there to be imprisoned, with or without hard Labour, for any Term not exceeding Three Calendar Months, or, in the Discretion of such Justices, shall forfeit and pay such Sum, not exceeding Three Pounds, as the said Justices shall adjudge, or, if a Male, shall be once privately whipped, either instead of or in addition to such Imprisonment, or Imprisonment with hard Labour; and the said Justices shall from Time to Time appoint some fit and proper Person to inflict the said Punishment of whipping, when so ordered to be inflicted out of Prison: Provided always, that if such Justices, upon the hearing of any such Case, shall deem the Offence not to be proved, or that it is not expedient to inflict any Punishment, they shall dismiss the Party charged, on finding Surety or Sureties for his future good Behaviour, or without such Sureties, and then make out and deliver to the Party charged a Certificate under the Hands of such Justices, stating the Fact of such Dismissal, and such Certificate shall and may be in the Form or to the Effect set forth in the Schedule hereto annexed in that Behalf: Provided also, that if such Justices shall be of opinion, before the Person charged shall have made his or her Defence, that the Charge is from any Circumstance a fit Subject for Prosecution by Indictment, or if the Parent or next Friend of the Person charged shall, upon his

Persons in Ireland not exceeding 14 Years of Age committing certain Offences may be summarily convicted by Two Justices.

If Offence not proved, or it is not expedient to inflict Punishment, Justices may dismiss Parties.

If Charge is thought fit for Indictment, &c., Case to be dealt with as if this Act had not passed.

his or her being called upon to answer the Charge, object to the Case being summarily disposed of under the Provisions of this Act, such Justices shall, instead of summarily adjudicating thereupon, deal with the Case in all respects as if this Act had not been passed.

Power to Justices to hear and determine Cases under this Act.

One Dublin Metropolitan Justice may, in certain Cases, perform Acts usually done by Two in Petty Sessions.

Proceedings under this Act to bar further Proceedings.

Mode of compelling the Appearance of Persons punishable on summary Conviction.

Power to One Justice to remand for further Examination, and admit to Bail.

II. And be it enacted, That any Two or more Justices of the Peace for any County, Riding, Division, Borough, Liberty, or Place in Petty Sessions assembled, and in open Court, before whom any such Person as aforesaid charged with any Offence made punishable under this Act shall be brought or appear, are hereby authorized to hear and determine the Case under the Provisions of this Act: Provided always, that any One or more Divisional Justice or Justices of *Dublin* Metropolis, sitting at any Divisional Police Office within such Police District, shall and may, within his or their Jurisdictions, hear and determine every Charge under this Act, and exercise all the Powers herein contained, in like Manner and as fully and effectually as Two or more Justices of the Peace in Petty Sessions assembled as aforesaid can or may do by virtue of the Provisions in this Act contained.

III. And be it enacted, That every Person who shall have obtained such Certificate of Dismissal as aforesaid, and every Person who shall have been convicted under the Authority of this Act, shall be released from all further or other Proceedings for the same Cause.

IV. And for the more effectual Prosecution of Offences punishable upon summary Conviction by virtue of this Act, be it enacted, That where any Person whose Age is alleged not to exceed Fourteen Years shall be charged with any such Offence, on the Oath of a credible Witness, before any Justice of the Peace, such Justice may issue his Summons or Warrant to summon or to apprehend the Person so charged to appear before any Two Justices of the Peace in Petty Sessions assembled as aforesaid, at a Time and Place to be named in such Summons or Warrant.

V. And be it enacted, That any Justice or Justices of the Peace, if he or they shall think fit, may remand for further Examination or for Trial, or suffer to go at large upon his or her finding sufficient Surety or Sureties, any such Person as aforesaid charged before him or them with any such Offence as aforesaid; and every such Surety shall be bound by Recognizance to be conditioned for the Appearance of such Person before the same or some other Justice or Justices of the Peace for further Examination, or for Trial before Two or more Justices of the Peace in Petty Sessions assembled as aforesaid, or for Trial at some Superior Court, as the Case may be; and every such Recognizance may be enlarged from Time to Time by any such Justice or Justices to such further Time as he or they shall appoint; and every such Recognizance which shall not be enlarged shall be discharged without Fee or Reward, when the Party shall have appeared according to the Condition thereof.

VI. And

VI. And be it enacted, That every Fine imposed by any Justice or Justices under the Authority of this Act shall be awarded to the Use of the public Hospital or Infirmary of the County in which the Offence in respect of which such Fine shall be imposed may have been committed, and shall be accounted for in like Manner and subject to the same Regulations as all other Fines imposed by any Justice or Justices of the Peace in *Ireland*.

Application of
Fines.

VII. And be it enacted, That it shall be lawful for any Justice of the Peace, by Summons, to require the Attendance of any Person as a Witness upon the hearing of any Case before Two Justices under the Authority of this Act, at a Time and Place to be named in such Summons; and such Justice may require and bind by Recognizance all Persons whom he may consider necessary to be examined touching the Matter of such Charge to attend at the Time and Place to be appointed by him, and then and there to give Evidence upon the hearing of such Charge; and in case any Person so summoned or required or bound as aforesaid shall neglect or refuse to attend in pursuance of such Summons or Recognizance, then upon Proof being first given of such Person's having been duly summoned as herein-after mentioned, or bound by Recognizance as aforesaid, it shall be lawful for the Justices before whom any such Person ought to have attended to issue their Warrant to compel his Appearance as a Witness.

As to the sum-
moning and
Attendance of
Witnesses.

VIII. And be it enacted, That every Summons issued under the Authority of this Act may be served by delivering a Copy of the Summons to the Party, or by delivering a Copy of the Summons to some Inmate at such Party's usual Place of Abode; and every Person so required by any Writing under the Hand or Hands of any Justice or Justices to attend and give Evidence as aforesaid shall be deemed to have been duly summoned.

As to Service
of Summons.

IX. And be it enacted, That the Justices before whom any Person shall be summarily convicted of any such Offence as herein-before mentioned may cause the Conviction to be drawn up in the Form of Words set forth in the Schedule to this Act annexed, or in any other Form of Words to the same Effect, which Conviction shall be good and effectual to all Intents and Purposes.

Form of Con-
viction.

X. And be it enacted, That no such Conviction shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

No Conviction
to be quashed
for Want of
Form, nor
removed by
Certiorari.

XI. And be it enacted, That the Justices of the Peace before whom any Person shall be convicted under the Provisions of this Act shall forthwith thereafter transmit the Conviction and Recognizances to the Clerk of the Peace for the County, Borough, Liberty, or Place wherein the Offence shall have been committed, there to be kept by the proper Officer among the

Convictions to
be returned to
the Quarter
Sessions.

the Records of the Court of General Quarter Sessions of the Peace; and the said Clerk of the Peace shall transmit to the Chief or Under Secretary of the Lord Lieutenant of *Ireland* a monthly Return of the Names, Offences, and Punishments mentioned in the Convictions, with such other Particulars as may from Time to Time be required.

No Forfeiture upon Convictions under this Act, but presiding Justices may order Restitution of Property.

XII. And be it enacted, That no Conviction under the Authority of this Act shall be attended with any Forfeiture, but whenever any Person shall be deemed guilty under the Provisions of this Act it shall be lawful for the presiding Justices to order Restitution of the Property in respect of which such Offence shall have been committed to the Owner thereof or his Representatives; and if such Property shall not then be forthcoming, the same Justices, whether they award Punishment or dismiss the Complaint, may inquire into and ascertain the Value thereof in Money, and, if they think proper, order Payment of such Sum of Money to the true Owner by the Person or Persons convicted, either at one Time or by Instalments at such Periods as the Court may deem reasonable.

Recovery of Penalties.

XIII. And be it enacted, That whenever any Justices of the Peace shall adjudge any Offender to forfeit and pay a pecuniary Penalty under the Authority of this Act, and such Penalty shall not be forthwith paid, it shall be lawful for such Justices, if they shall deem it expedient, to appoint some future Day for the Payment of such Penalty, and to order the Offender to be detained in safe Custody until the Day so to be appointed, unless such Offender shall give Security to the Satisfaction of such Justices for his or her Appearance on such Day; and such Justices are hereby empowered to take such Security, by way of Recognizance or otherwise, at their Discretion; and if at the Time so appointed such Penalty shall not be paid, it shall be lawful for the same or any other Justices of the Peace, by Warrant under their Hands and Seals, to commit the Offender to the Common Gaol or House of Correction within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, reckoned from the Day of such Adjudication, such Imprisonment to cease on Payment of the said Penalty.

Proceedings against Persons acting under this Act.

XIV. And for the Protection of Persons acting in the Execution of this Act, be it enacted, That all Actions and Prosecutions to be commenced against any Person for anything done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Three Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Action or Prosecution, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action or Prosecution; and in any such Action or Prosecution the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before

before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become Nonsuit, or discontinue any such Action or Prosecution after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict shall be given for the Plaintiff in such Action, the Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be shall certify his Approbation of the Action, and of the Verdict obtained thereupon.

XV. And be it enacted, That this Act shall extend to *Ireland* only. Act to extend to Ireland only.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

SCHEDULE of FORMS to which this Act refers.

Form of Certificate of Dismissal.

to wit. } WE of Her Majesty's Justices of the Peace
 } for the County of [or I, a Divisional
 Justice of the Police District of Dublin Metropolis, *as the Case may be,*] do hereby certify, That on the Day of
 in the Year of our Lord at in the said
 County of M.N. was brought before us the said
 Justices [or me or us, the said Justice or Justices], charged
 with the following Offence, (that is to say,) [*here state briefly the Particulars of the Charge,*] and that we the said Justices [or I the said Justice] thereupon dismissed the said Charge.

Given under our Hands [or my Hand] this
 Day of .

Form of Conviction.

to wit. } BE it remembered, That on the Day
 } of in the Year of our Lord One thousand
 eight hundred and at in the County
 of [or Riding, Division, Liberty, City, &c., *as the Case may be,*] A.O. is convicted before us J.P. and Q.R., Two
 of Her Majesty's Justices of the Peace for the said County [or Riding, &c.], [or me S.T., a Divisional Justice, or us, Divisional Justices, of the Police District of Dublin Metropolis, *as the Case may be,*] for that he the said A.O. did [*specify the Offence, and the Time and Place when and where the same was committed, as the Case may be, but without setting forth the Evidence*]; and we the said J.P. and Q.R. [or I the said S.T.] adjudge the said A.O. for his said Offence to be imprisoned in the
 [or to be once privately whipped, with or without

out Imprisonment, or Imprisonment with hard Labour, *or* to be imprisoned in the _____ and there kept to hard Labour for the Space of _____]; [*or* we [*or* I] adjudge the said *A. O.* for his said Offence to forfeit and pay _____] [*here state the Penalty actually imposed*], and in default of Payment of the said Sum to be imprisoned in the _____ [*or to be imprisoned in the _____ and there kept to hard Labour*] for the Space of _____ unless the said Sum shall be sooner paid.

Given under our Hands and Seals [*or my Hand and Seal*]
the Day and Year first above mentioned.

CAP. LX.

**An Act to alter the Duties payable upon the Im-
portation of Spirits or Strong Waters.**

[14th *August* 1848.]

**10 & 11 Vict.
c. 23.**

After the passing of this Act the Duties therein named shall be levied instead of those previously paid.

‘ **WHEREAS** by an Act passed in the Session of Parlia-
‘ ment holden in the Tenth and Eleventh Years of the
‘ Reign of Her present Majesty, intituled *An Act to alter certain*
‘ *Duties of Customs*, certain Duties of Customs were imposed
‘ upon the Importation of Spirits or Strong Waters: And
‘ whereas it is expedient that so much of the said Act as
‘ imposes such Duties should be repealed, and that other Duties
‘ should be raised and levied in lieu thereof:’ Be it therefore
enacted by the Queen’s most Excellent Majesty, by and with
the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
Authority of the same, ‘That the several Duties on Spirits and
Strong Waters imposed by the said recited Act shall be and
they are hereby repealed; and that from and after the passing
of this Act, in lieu thereof, there shall be raised, levied, collected,
and paid unto Her Majesty, Her Heirs and Successors, the
following Duties; that is to say, Spirits or Strong Waters, for
every Gallon of such Spirits or Strong Waters of any Strength
not exceeding the Strength of Proof by *Sykes’s* Hydrometer,
and so in proportion for any greater or less Strength than the
Strength of Proof, and for any greater or less Quantity than a
Gallon, that is to say, Spirits or Strong Waters the Produce
of any *British* Possession in *America*, not being sweetened
Spirits, or Spirits mixed with any Article, so that the Degree
of Strength thereof cannot be exactly ascertained by such
Hydrometer;

					<i>s.</i>	<i>d.</i>
If imported into	<i>England</i> ,	the Gallon	-	8	2	
—	<i>Scotland</i>	—	-	4	0	
—	<i>Ireland</i>	—	-	3	0	

Rum, the Produce of any *British* Possession within the Limits of the *East India* Company's Charter, not being sweetened Spirits, or Spirits so mixed as aforesaid, in regard to which the Conditions of the Act of the Fourth Year of the Reign of

of Queen *Victoria*, Chapter Eight, have or shall have been fulfilled ;

			s.	d.
If imported into	<i>England</i> ,	the Gallon	-	8 2
—	<i>Scotland</i>	—	-	4 0
—	<i>Ireland</i>	—	-	3 0

Rum Shrub, however sweetened, the Produce of and imported from such Possessions, in regard to which the Conditions of the Act of the Fourth Year of the Reign of Queen *Victoria*, Chapter Eight, have or shall have been fulfilled, or the Produce of and imported from any *British* Possession in *America* ;

			s.	d.
If imported into	<i>England</i> ,	the Gallon	-	8 2
—	<i>Scotland</i>	—	-	4 0
—	<i>Ireland</i>	—	-	3 0

II. And be it enacted, That the Duties imposed by this Act shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, and recovered, and allowed and applied or appropriated, under the Provisions of any Act or Acts now in force or hereafter to be made relating to the Customs.

Duties to be under Management of Commissioners of Customs.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

CAP. LXI.

An Act to effect an Exchange of Ecclesiastical Patronage between Her Majesty and the Earl of *Leicester*, and for the Severance and Consolidation of certain Benefices in the Diocese of *Norwich*, and for other Ecclesiastical Purposes. [14th August 1848.]

‘ WHEREAS the Queen’s most Excellent Majesty in right
 ‘ of the Crown is seised or entitled to Herself, Her Heirs
 ‘ and Successors, of or to the Perpetual Advowson of the Rectory
 ‘ of *Warham All Saints* in the County of *Norfolk*, and within the
 ‘ Diocese of the Right Reverend *Edward* Lord Bishop of *Nor-*
 ‘ *wich*: And whereas the Right Honourable *Thomas William*
 ‘ Earl of *Leicester* is absolutely entitled to the Perpetual Advow-
 ‘ son of the Rectory of *Warham Saint Mary Magdalen and Saint*
 ‘ *Mary the Virgin*, commonly called *Warham Saint Mary’s*, and
 ‘ of the Rectory of *Waterden* annexed thereto or consolidated
 ‘ therewith, in the same County and Diocese; and the said
 ‘ *Thomas William* Earl of *Leicester* is also absolutely entitled to
 ‘ the Perpetual Advowson of the Vicarage of *Dunton with*
 ‘ *Doughton* otherwise *Dolton*, now commonly called *Dunton cum*
 ‘ *Duckton*, and of the consolidated Perpetual Curacies of *Long-*
 ‘ *ham* and *Wendling*, and to the Perpetual Advowson of the
 ‘ Vicarage of *Holkham*, and of the Rectory of *Egmere* consoli-
 ‘ dated therewith, all in the same County and Diocese; and the
 ‘ said *Thomas William* Earl of *Leicester* is also absolutely entitled
 ‘ to a certain Piece or Parcel of Ground in the Parish of *Dunton*
 ‘ aforesaid,

' aforesaid, which is described in the Schedule to this Act annexed,
 ' subject only (together with other Hereditaments) to a certain
 ' yearly Jointure Rent-charge of Three thousand Pounds assured
 ' to the Right Honourable *Juliana* Countess of *Leicester* his
 ' Wife, in case she should survive him, for her Life, and to a
 ' Term of Two hundred Years for securing the same, but which
 ' Jointure Rent-charge is amply secured by the other Heredita-
 ' ments whereon the same is charged: And whereas the said
 ' Rectory of *Warham All Saints* is now vacant, the Reverend
 ' *Robert Collyer* is the Incumbent of the consolidated Rectories
 ' of *Warham Saint Mary's* and *Waterden*, the Reverend *Stephen*
 ' *Allen* is the Incumbent of the Vicarage of *Dunton cum Duck-*
 ' *ton*, the Reverend *Robert Howlett* is the Incumbent of the
 ' consolidated Perpetual Curacies of *Longham* and *Wendling*,
 ' and the Reverend *Alexander Napier* is the Incumbent of the
 ' consolidated Vicarage of *Holkham* and Rectory of *Egmere*:
 ' And whereas the Parishes of *Warham All Saints* and *Warham*
 ' *Saint Mary's* are contiguous, and contain together a Population
 ' of less than Four hundred Souls: And whereas the Parish of
 ' *Waterden*, so as aforesaid consolidated with *Warham Saint*
 ' *Mary's*, is situate at a Distance of Seven Miles or thereabouts
 ' from the Parish of *Warham Saint Mary's*, but is distant only
 ' One Mile or thereabouts from the Parish of *Egmere*: And
 ' whereas the Parish of *Waterden* contains a Population of
 ' Twenty-five Souls or thereabouts, and the Parish of *Egmere*
 ' contains a Population of Fifty Souls or thereabouts, and is
 ' without a Church: And whereas the net yearly Value of the
 ' Vicarage of *Dunton cum Duckton*, and the consolidated Per-
 ' petual Curacies of *Longham* and *Wendling*, is of the Amount
 ' of Two hundred and eighty-six Pounds Two Shillings and
 ' Seven-pence or thereabouts, and the net yearly Value of the
 ' Rectory of *Warham All Saints* is of the Amount of Two
 ' hundred and twenty-six Pounds Thirteen Shillings and Four-
 ' pence or thereabouts, but the said Vicarage of *Dunton cum*
 ' *Duckton* has no Glebe nor Vicarage House: And whereas the
 ' said *Thomas William* Earl of *Leicester* hath proposed to Her
 ' most Gracious Majesty that the Rectories of *Warham All*
 ' *Saints* and *Warham Saint Mary's* shall be consolidated and
 ' form One Benefice in the Patronage of the said *Thomas William*
 ' Earl of *Leicester*, and that in lieu of the Advowson of the said
 ' Rectory of *Warham All Saints* the Advowson of the said
 ' Vicarage of *Dunton cum Duckton* and consolidated Perpetual
 ' Curacies of *Longham* and *Wendling* shall become vested in
 ' Her Majesty: And whereas it hath been further proposed by
 ' the said *Thomas William* Earl of *Leicester*, at the Instance of
 ' the said *Edward* Lord Bishop of *Norwich*, that the said Rectory
 ' of *Waterden* shall be severed from the said Rectory of *Warham*
 ' *Saint Mary's*, and that the said Rectory of *Egmere* shall be
 ' severed from the said Vicarage of *Holkham*, and that the said
 ' Rectories of *Waterden* and *Egmere* shall be consolidated and
 ' form One Benefice in the Patronage of the said *Thomas Wil-*
 ' *liam* Earl of *Leicester*: And whereas in furtherance of the said
 ' Proposals,

‘ Proposals, and for the Equalization of the said Exchange to be
 ‘ made with Her Majesty, it hath been agreed by the said
 ‘ *Thomas William* Earl of *Leicester* that a Glebe of Four Acres
 ‘ or thereabouts, situate in the Parish of *Dunton*, shall be an-
 ‘ nexed to the said Vicarage of *Dunton cum Duckton*, being the
 ‘ Piece of Ground described in the Schedule to this Act; and
 ‘ that a Sum of Three hundred Pounds shall be paid by the
 ‘ said *Thomas William* Earl of *Leicester* into the Hands of the
 ‘ Governors of the Bounty of Queen *Anne* for the Augmentation
 ‘ of the Maintenance of the poor Clergy, to be by them accumu-
 ‘ lated for the Benefit of the said Vicarage, to the Intent that the
 ‘ said Fund so to be accumulated may be hereafter applied in or
 ‘ towards the Erection of a suitable House of Residence for the
 ‘ Use of the Incumbent of the said Benefice: And whereas all
 ‘ the aforesaid Agreements and Matters have been submitted
 ‘ to, and have received the Approval of, the said *Edward* Lord
 ‘ Bishop of *Norwich*, the Diocesan of the said several Benefices:
 ‘ And whereas the said Piece or Parcel of Land which is
 ‘ described in the Schedule to this Act is considered as eligible
 ‘ to be appropriated as a Glebe for the Use of the Incumbent of
 ‘ the said Benefice: And whereas the said Sum of Three hundred
 ‘ Pounds is intended to be paid by the said *Thomas William*
 ‘ Earl of *Leicester* into the Hands of the said Governors of the
 ‘ Bounty of Queen *Anne* for the Augmentation of the Mainte-
 ‘ nance of the poor Clergy, immediately after the passing of this
 ‘ Act, for the Purposes after mentioned: And whereas no
 ‘ Provision exists by Law for the Exchange of Ecclesiastical
 ‘ Patronage between Her Majesty seised in right of Her Crown
 ‘ and any of Her Majesty’s Subjects, and it is expedient that
 ‘ the aforesaid Exchange and the other Matters and Agreements
 ‘ shall be carried into effect by Authority of Parliament:’ May
 it therefore please Your Majesty that it may be enacted; and be
 it enacted by the Queen’s most Excellent Majesty, by and with
 the Advice and Consent of the Lords Spiritual and Temporal,
 and Commons, in this present Parliament assembled, and by the
 Authority of the same, That when and so soon as the Sum of
 Three hundred Pounds shall have been duly paid by the said
Thomas William Earl of *Leicester*, his Heirs, Executors, or
 Administrators, into the Hands of the Governors of the Bounty
 of Queen *Anne* for the Augmentation of the Maintenance of the
 poor Clergy, the said *Robert Collyer* or his Successor, Incumbent
 for the Time being of the consolidated Rectories of *Warham*
Saint Mary Magdalen and *Saint Mary the Virgin*, commonly
 called *Warham Saint Mary’s*, shall become the Incumbent of the
 Rectory of *Warham All Saints*, without any Manner of Presen-
 tation, Institution, or Induction; and thereupon and from thence-
 forth the said Rectories of *Warham All Saints* and *Warham Saint*
Mary Magdalen and *Saint Mary the Virgin*, commonly called
Warham Saint Mary’s, together with all and singular the Tithes,
 Rent-charges in lieu of Tithes, Fruits, Payments, Oblations,
 Obventions, Rights, and Emoluments; of what Nature or Kind
 soever, thereto respectively belonging or appertaining, shall be

Rectories of
 Warham All
 Saints and
 Warham Saint
 Mary’s consoli-
 dated.

united and consolidated to all Effects in Law whatsoever, and shall form and be One Benefice only by the Name and Style of “The Rectory of *Warham Saint Mary Magdalen and Saint Mary the Virgin*, with the Rectory of *Warham All Saints* annexed,” any Law or Statute to the contrary notwithstanding.

Advowson of said consolidated Rectories vested in the Earl of Leicester.

II. And be it enacted, That the Perpetual Advowson of the said consolidated Rectories of *Warham Saint Mary Magdalen and Saint Mary the Virgin* and *Warham All Saints* so hereby united in such Event as aforesaid, shall from and after such Consolidation as aforesaid be vested in the said *Thomas William Earl of Leicester* as Owner thereof, to him and his Heirs, in Fee Simple, freed and discharged from all Demand or Claim whatsoever for or on behalf of Her Majesty, Her Heirs and Successors, but to be subject nevertheless in all respects to such Estates, Charges, and Incumbrances (if any) as the said Rectory of *Warham Saint Mary Magdalen and Saint Mary the Virgin* is now subject to.

Advowsons of Vicarage of Dunton and Curacies of Longham and Wendling vested in Her Majesty.

III. And be it enacted, That the Perpetual Advowsons of the Vicarage of *Dunton cum Duckton* and of the consolidated Perpetual Curacies of *Longham* and *Wendling* shall from and after the Consolidation of the said Rectories of *Warham Saint Mary's* and *Warham All Saints* become and be absolutely vested in Her Majesty, Her Heirs and Successors, in right of the Crown, freed and discharged from all Demands and Claims whatsoever by or on behalf of the said *Thomas William Earl of Leicester*, his Heirs or Assigns, or any other Person whomsoever.

Glebe and Site for Vicarage House annexed to Vicarage of Dunton.

IV. And be it enacted, That from and after such Consolidation as aforesaid the said Piece or Parcel of Land in the said Parish of *Dunton*, particularly described in the Schedule to this Act, together with the new House of Residence for the Incumbent, and other Erections and Buildings, when the same shall be built from such Fund as aforesaid or otherwise, and all Yards, Gardens, Ways, Roads, Easements, and Appurtenances thereto belonging or in anywise appertaining, shall be annexed to the said Vicarage of *Dunton cum Duckton* as the Glebe and Vicarage House, or Site for the Vicarage House, of the same Benefice, and be held, used, occupied, and enjoyed by the Incumbent thereof, and his Successors for ever, freed and discharged of and from all Claim and Demand whatsoever by or on behalf of the said *Thomas William Earl of Leicester*, or any of his Ancestors, or any other Person whomsoever claiming from or through him or them.

Application of the Money to be paid to the Governors of Queen Anne's Bounty.

V. And be it enacted, That the said Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the poor Clergy shall stand possessed of and interested in the said Sum of Three hundred Pounds when so paid to them, upon trust to lay out and accumulate the same at Compound Interest in such Manner as they shall think fit, and as they are lawfully authorized to lay out and accumulate Funds similarly applicable, and upon further Trust from Time to Time or at any Time to lay out and expend the said Sum of Three hundred Pounds and the Accumulation thereof in or towards the building and Erection of a suitable Vicarage House and Offices for the Use of the Incumbent

bent for the Time being of the said Vicarage of *Dunton cum Duckton*, and that such Vicarage House and Offices shall be erected and built in or upon some Part of the said Piece or Parcel of Land annexed as a Glebe to the said Benefice as herein is provided, and that the Receipt of the Treasurer of the said Governors shall be sufficient Evidence of the Payment of the said Sum of Three hundred Pounds.

VI. And be it enacted, That from and after the Consolidation of the said Rectories of *Warham Saint Mary's* and *Warham All Saints*, the said Rectory of *Waterden*, with all and singular the Tithes, Rent-charges in lieu of Tithes, Fruits, Payments, Oblations, Obventions, Rights, and Emoluments, of what Nature and Kind soever, thereto belonging or appertaining, shall be severed from the said Rectory of *Warham Saint Mary Magdalen and Saint Mary the Virgin*; and that the said Rectory of *Egmere*, with all and singular the Tithes, Rent-charges in lieu of Tithes, Fruits, Payments, Oblations, Obventions, Rights, and Emoluments, of what Nature and Kind soever, thereto belonging or appertaining, shall be severed from the said Vicarage of *Holkham*; and the said Rectories of *Waterden* and *Egmere* shall for ever hereafter be consolidated together and form One Benefice only by the Name and Style of "The Rectory of *Egmere* with the Rectory of *Waterden* annexed," any Law or Statute to the contrary notwithstanding; and the said *Alexander Napier* or his Successor, Incumbent for the Time being of the consolidated Vicarage of *Holkham* and Rectory of *Egmere*, shall thereupon become the Incumbent of the said Rectory of *Egmere* with the Rectory of *Waterden* annexed, and without any further Presentation, Institution, or Induction, and shall continue to be the Incumbent of the Vicarage of *Holkham*, and the same Vicarage shall thereafter become a separate Benefice; and the Incumbent for the Time being of the said consolidated Rectories of *Egmere* and *Waterden* shall have, receive, and take all and singular the Fruits, Tithes, Rent-charges in lieu of Tithes, Profits, Oblations, Obventions, and all other Ecclesiastical Rights and Emoluments whatsoever to the said Rectories respectively belonging and appertaining, and accustomed to be paid to or enjoyed by the respective Rectors thereof, and shall bear, pay, and discharge all Dues, Rates, and Sums of Money payable in respect of the said Rectories respectively; and the Perpetual Advowson of the said consolidated Rectories of *Egmere* with *Waterden* annexed, as well as the Perpetual Advowson of the said Vicarage of *Holkham*, shall remain or be vested in the said *Thomas William Earl of Leicester*, his Heirs and Assigns, as Owners thereof, subject nevertheless to all and singular such Rights, Estates, Charges, and Incumbrances (if any) as the same are subject to at the passing of this Act.

VII. Provided always, and be it enacted, That every Clause, Matter, and Thing herein-before contained shall be void unless the Sum of Three hundred Pounds herein-before mentioned shall be duly paid by the said *Thomas William Earl of Leicester*, his Heirs, Executors, or Administrators, into the Hands of the

Rectory of
Waterden
severed from
Rectory of
Warham Saint Mary's, and
united with
Rectory of
Egmere severed
from Vicarage
of *Holkham*.

Act inoperative
if Payment to
the Governors
of *Queen Anne's*
Bounty be not
made within
Three Months.

Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the poor Clergy within Three Calendar Months from the passing of this Act.

General Saving.

VIII. Saving always to all Persons, Bodies Politic and Corporate, and their respective Heirs, Successors, Executors, and Administrators, (other than the Queen's most Excellent Majesty, Her Heirs and Successors, and the said *Thomas William* Earl of *Leicester*, his Heirs, Executors, Administrators, and Assigns, and the Lord Bishop of *Norwich* and his Successors for ever, and the Incumbents of the Rectory of *All Saints*, the consolidated Rectories of *Warham Saint Mary's* and *Waterden*, and of the Rectory of *Warham Saint Mary's* and *Warham All Saints* when so consolidated as aforesaid, the consolidated Vicarage of *Holkham* and Rectory of *Egmere*, the Rectory of *Egmere* with the Rectory of *Waterden* annexed when so consolidated as aforesaid, and the Vicarage of *Holkham* when so disunited as aforesaid, and their respective Successors as aforesaid Incumbents for the Time being of the said respective Rectories, Vicarages, and Perpetual Curacies,) all such Estate, Right, Title, Interest, Trust, Claim, and Demand whatsoever in, to, or out of the said Advowsons and other Premises hereby respectively vested and settled as aforesaid as they or any of them had before the passing of this Act, or could have had in case this Act had not been made.

SCHEDULE to which the foregoing Act refers.

SCHEDULE.

ALL that Piece or Parcel of Land in the Parish of Dunton in the County of Norfolk containing by Admeasurement Four Acres (Part whereof is now used for Cottage Gardens), bounded on the North by the Lynn Road, on the East by the Road leading from Creak to Rainham, on the South by Dunton Churchyard, and on the West by Lands of the Earl of Leicester; the Width of the said Piece or Parcel of Ground from East to West at the North End thereof being One hundred and six Yards or thereabouts, and at the South End thereof adjoining Dunton Churchyard Sixty-one Yards or thereabouts, and the Length thereof from North to South on the East and West Sides thereof being Two hundred and thirty-two Yards or thereabouts.

CAP. LXII.

An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes. [14th August 1848.]

7 & 8 G. 4. c. 75. ' WHEREAS an Act was passed in the Seventh and Eighth
' Years of the Reign of His Majesty King George the
' Fourth, intituled *An Act to appoint Commissioners for carrying*
' *into execution several Acts granting an Aid to His Majesty by a*
' *Land Tax to be raised in Great Britain, and continuing to His*
' *Majesty certain Duties on Personal Estates, Offices, and Pensions*

' in England: And whereas another Act was passed in the
 ' Ninth Year of the Reign of His said Majesty, intituled *An Act for rectifying Mistakes in the Names of the Land Tax Commissioners, and for appointing additional Commissioners, and indemnifying such Persons as have acted without due Authority in execution of the Acts therein recited*: And whereas another Act
 ' was passed in the Second and Third Years of the Reign of
 ' His late Majesty King William the Fourth, intituled *An Act for appointing additional Commissioners to put in execution the Acts for granting an Aid to His Majesty by a Land Tax, and continuing the Duties on Personal Estates, Offices, and Pensions*:
 ' And whereas another Act was passed in the Third and Fourth
 ' Years of the Reign of His said late Majesty, intituled *An Act to appoint additional Commissioners for executing the Acts for granting an Aid by a Land Tax, and for continuing the Duties on Personal Estates, Offices, and Pensions*: And whereas another
 ' Act was passed in the Sixth and Seventh Years of the Reign
 ' of His said late Majesty, intituled *An Act to appoint additional Commissioners for executing the Acts for granting an Aid by a Land Tax, and for continuing the Duties on Personal Estates, Offices, and Pensions*: And whereas another Act was passed in
 ' the First and Second Years of the Reign of Her present
 ' Majesty, intituled *An Act to appoint additional Commissioners for executing the Acts granting a Land Tax, and Duties on Personal Estates, Offices, and Pensions*: And whereas another
 ' Act was passed in the Seventh and Eighth Years of the Reign
 ' of Her present Majesty, intituled *An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes*: And whereas it is expedient to
 ' appoint additional Persons to put in execution the several Acts
 ' for granting an Aid to Her Majesty by a Land Tax in Great
 ' Britain, and several other Acts for continuing or granting to
 ' Her Majesty Rates and Taxes: Be it therefore enacted by the
 Queen's most Excellent Majesty, by and with the Advice and
 Consent of the Lords Spiritual and Temporal, and Commons, in
 this present Parliament assembled, and by the Authority of the
 same, That the several and respective Persons herein-after
 named shall and may and are hereby empowered and authorized
 (being duly qualified) to put in execution the said Acts, and all
 the Clauses, Powers, Matters, and Things whatsoever therein
 contained, as Commissioners in and for the several and respective
 Counties, Shires, Stewartries, and Places of Great Britain herein-
 after severally and respectively mentioned and expressed, as fully
 and effectually as if they had been named with the other Com-
 missioners in the said recited Act passed in the Seventh and
 Eighth Years of the Reign of His Majesty King George the
 Fourth; (that is to say,)

9 G. 4. c. 38.

2 & 3 W. 4.
c. 127.

3 & 4 W. 4. c. 95.

6 & 7 W. 4. c. 80.

1 & 2 Vict. c. 57.

7 & 8 Vict. c. 79.

Appointment
of additional
Commissioners.

For the Rest of the County of Bedford.

Reverend James Lindsay Cooper Cooper, Reverend John Stubbes
 Neumann, Reverend William Wilson, Reverend John Cumberlege,
 Reverend Anthony Pulley.

For the Rest of the County of Berks.

Reverend Charles Gaisford *Rector of Chilton*, *Reverend* Henry Allison Dodd of Sparsholt, *Reverend* Edward Hussey of East Hendred, *Reverend* William John Butler of Wantage, William Beckett Turner of Wantage, Francis Ferdinando Bullock of East Challon, Hibbert Binney D.D., Owen Jenkins Clerk Longworth, Joseph Moore Clerk Buckland, Hugh Polson Clerk Woolston, Edward Harene Clerk Longest, Charles Pocock Stanford, Sidney Edward Bouverie Pusey Pusey.

For the County of Chester.

Thomas Greenall Appleton, Peter Highfield Jackson Cogshall, Samuel Beckett Chadwick Daresbury, James Stanton Thebwall, John Clare Grappenhall, Dennis Brundrit Runcorn, Philip White-way Runcorn, Thomas John Langford Brooke Mere, John Blakiston Mobberley, John Holland Mobberley, *Reverend* George Mallory Mobberley, John Long Nether Knutsford, Henry Long Nether Knutsford, Richard Timothy Deane Nether Knutsford, Joseph Swinburne Nether Knutsford, *Reverend* Robert Clowes Over Knutsford, William Nield Bowden, Lord Grosvenor, George Folliott, Robert Brodhurst Hill, Samuel Sandbach, Thomas Orton, John Hurlestone Leche, Hugh Robert Aldersey, Roger Barnston, Thomas Crallan, James Dixon, Edward Worthington, Richard Buckley, Edward Francis French.

For the County of Cornwall.

Jonathan Baron Bodmin, Thomas Stackhouse Carlyon Clerk, *Vicar of Egloskayle*, Dalston Clements Clerk, Vernon Collins Clerk, Henry Coom Bodmin, Thomas Commins Bodmin, Thomas Commins junior Bodmin, John Glencross Clerk, *Rector of Helland*, Charles Grylls Clerk Bodmin, Mark Guy junior Endellion, Abram Hambly St. Mabyn, Wymond Hamley Bodmin, Francis John Hext St. Mabyn, George Hext Clerk, William Hocken Clerk, *Rector of Endellion*, Henry John Hooper Helland, William Morshhead Blisland, Thomas Mudge Bodmin, Thomas Pearse Helland, John Samuel Scobell Clerk, *Vicar of St. Kew*, John Bligh Spiller Bodmin, Edward Stephens St. Minver, Honoratus Leigh Thomas Clerk, *Rector of St. Tudy*, Ambrose Thompson Bodmin, *Reverend* John Richard Prettyman Berkeley of St. Cleer, William Fookes Liskeard, Richard Foster Castle Lostwithiel, Edward Hoblyn Pedler Liskeard, William Peel Trenant Park, Duloe, Charles Walcott Port Loe, Talland, Reginald Hobhouse St. Ive Clerk, Trehane Symonds Pickell St. Breock, Edmund Hambly St. Breock, William Paget Hoblyn Colan, *Reverend* John Creser Colan, *Reverend* Samuel Edmund Walker St. Columb Major D.D., John Nicholls St. Columb Major, Thomas Whitford St. Columb Major, *Reverend* Ferdinand Thomas Stephens Mawgan, *Reverend* Hugh Henry Molesworth Little Petherick, John Cole Withiel.

For the County of Cumberland.

John Jameson Moorhouses, Westmoreland, John Unsworth The Thorn, Penrith, Philip Walker Birbeck, Penrith, Jonathan Varty Stagg

Stagg Stones, Penrith, George Ramshay Brampton, Anthony Robinson Brampton, William Carrick Brampton, James Farish Dormidsteeds, William Martindale Carlisle, Thomas Hutton Cavindish Place, John Foster Moorhouse Hall, Reverend Jonathan Irving Wigton, George Sibson Carlisle, Thomas Halton Carlisle, Silas Saul Carlisle, John Saul Anne Hill, Carlisle, Reverend Richard Jackson Wreay, Carlisle, William Hodgson Bowness, John Hewson Carlisle.

For the County of Derby.

Thomas Brushfield, Hunt, George, *Bakewell*; Longsdon, William, *Little Longstone*; Newton, William, *Tideswell*; Scholes, Charles, *Sydnope*; Snibson, Richard, *Bakewell*.

For the County of Devon.

Ley, Henry, *Marwood*; Diake, Charles Cutcliffe, *Marwood*; Harris, James, *East Down*; Paul, William Molesworth, *Clerk*, William Holland Bickford Cohan, Arundel Calmady Hotchkys, William Callon *Great Torrington*, Thomas Freke Arthur *Atherington*, Frederick Vonder Meulin *Clerk Bow*, Samuel Davis *Clerk Burrington*, Michael Tont *Burrington*, Joseph George Stawell *Highbirkington*, Isaac Newton Fellowes *Wembworthy*, Reverend John Bradford, Reverend Nathaniel Cole, Reverend John Huish, Arthur Charles Chichester, Charles William Steer, Reverend Sackville Lee, Harry Leeke Gibbs, Joseph Were, Reverend Henry Palk, Richard Gard, Reverend John Hart, Reverend Robert Baker Carew *Tiverton*, Richard Hall Clarke *Bridwell*, Charles William Grant *Hillersdon*, Thomas Daniel Daniel *Tiverton*, Honorable Hiley Robert Addington, Sir John George Templer Pole *Baronet*, Reverend John Gay Copleston, the Mayor and Aldermen of the Borough of Honiton for the Time being, the Honorable Leonard Allan Addington, William Harris Captain in the Army Yealmp-ton, John Toms *Ermington*, Henry Hele Treby Goodamoor *Plympton Saint Mary*, Nathaniel Frederick Edwards Captain R.N. Ludbrook House, Modbury, Edmund Younge Captain R.N. Brixton, Yealmp-ton, John Andrews *Modbury*, Samuel Codner, Daniel Codner junior Belmonte, Thomas Flamonk, E.I.C.S., Robert May Flamonk, Reverend Edward Shepherd, John Sparke Amery *Druid*, Richard Counter *Ashburton*, James Woodby *Ashburton*, Massey Lopes Lopes, Ralph Ludlow Lopes, Walter Radcliffe, Joseph Read, John Walter Elley Ellis.

For the County of Dorset.

Benjamin Linthorne *High Hall*, Charles Parke *Henbury*, Thomas Onslow *Corfe Mullen*, Henry Castleman *Wimborne Minister*, William Scott *Shapwick Clerk*, Arthur George Baxter *Hampreston Clerk*, William Walter Brabazon Ponsonby *Canford Magna Clerk*, William Denenish Mayor, Henry Pannell, Admiral Fennis R.N., Samuel S Scriven, Joseph Tasker, Alexander Sampson, William Fennis, Richard Searle *Allington*, Thomas Ewens *Allington*, Henry Fox Clerk *Allington*, Henry Perin Steele *Beaminster*, John Tucker Udhall *Bowood*, James

Templer *Bradpole*, Thomas Collins Hounsell *Bradpole*, Alexander Broadley *Clerk Bradpole*, William Way *Bradpole*, Joseph Gundry *Bridport*, Benjamin Perkes Gundry *Bridport*, Stephen Whetham *Bridport*, Isaac Whetham *Bridport*, Robert Jones *Broadwinsor*, Charles Prest *Broadwinsor*, Arthur Studley *Broadwinsor*, Solomon Cæsar Malan *Clerk Broadwinsor*, John Bragge *Clerk Burstock*, John Stevens *Chardstock*, William Loveridge *Chardstock*, Charles Woodcock *Clerk Chardstock*, John Bently *Chardstock*, William Bently *Chardstock*, Thomas Palmer Deane *Chardstock*, George Timothy Williamson *Chardstock*, John Wale *Chardstock*, William Bond *Chardstock*, John Deane *Chardstock*, William Daw *Chelborough*, John Bullen *Charmouth*, Samuel Warren Puddicombe *Charmouth*, William Nicholson *Clerk Corscombe*, Joseph Symes *Dibberford*, Samuel Domett *Hawkchurch*, Amos Barnes *Hawkchurch*, Sir James Schoedde *Hawkchurch*, John Chilcott *West Milton*, Edward Drury Butts *Clerk Melplash*, Robert Aitcheson *Mapperton*, Edward Pope *Mapperton*, Henry Walbridge Hine *Nettlecomb*, Richard Cox *Netherbury*, Henry Meech *Netherbury*, the Honourable Somerville Hay *Clerk Netherbury*, Robert W Pulteney *Clerk Netherbury*, William Tucker *Netherbury*, John Pitfield *Symonsbury*, Robert Fooks *Symonsbury*, Alexander Wellman *Stoke Abbott*, Charles James Pratt Foster *Clerk Toller Porcorum*, Frederick William Drew *Woottonfitzpaine*.

For the Town and County of the Town of Poole.

G L Parratt, Edward Mullett, George Penney, George Tito Brice *Parkstone* Commander R.N., Tom Rickman, Thomas Naish, Thomas Wanhill, Henry M Aldridge, John Gosse, John Tuck *Parkstone*, W Pearce, Joseph Crabb, James Slade, William Adey *junior*, George Hancock Gutch, Edward Lacy, Thomas Slade *junior*, William Lewis C Adey, Henry William Dickenson, William Parr.

For the County of Durham.

Richard Ableson *Gainford*, William Allison *Heighington*, William Bacon *Chilton Hall*, Robert W Bainbridge *Middleton*, John Barnes *West Auckland*, Henry Benning *Barnard Castle*, Thomas Burrows *Saint Helen Auckland*, John Bourne *the younger*, Walker Hall, L L Brown *Clerk Witton-le-Wear*, Mathew Chester *Clerk Saint Helen Auckland*, William Copeland *Staindrop*, George Crawhall *Stanhope*, Thomas Crofton *Brancepeth*, George Curry *Walsingham South*, John Deane *Staindrop*, John Colpitts Deane *Staindrop*, Ralph Dent *Streatham*, C Duberley *Clerk Coundon*, George Dugard *Clerk Barnard Castle*, J D Eade *Clerk Great Aycliffe*, J P Eden *Clerk Pollards Lands*, J Elliot *Clerk Wolsingham Town*, John Hull Fell *Harewood Grove*, Michael Garthorne *Bedburn South*, J Green *Clerk Stanhope Forest*, the Honourable and Reverend John Grey *Wolsingham Town*, Alfred Harper *Darlington*, John Heslop *Denton*, Ralph Heslop *Denton*, John Castell Hopkins *Woodside*, Alexander James

James Howell Clerk Darlington, Nicholas Crofton Hunter
Brancepeth, F S Hutchinson Cleatam, G
P Hutchinson Guinford, Timothy Hutchinson Egglestone,
J A P Linskill Clerk Stanhope, H
C Lipscomb Clerk Staindrop, James Manisty Clerk Shildon,
Edward Marley East Thickley, Thomas Marley Pollards Lands,
George Maw Bishop Auckland, J C Monkhouse
Barnard Castle, Milner Woodlands, Samuel Nelson
Staindrop, Ord Pilmore Cottage, Ambrose Perkins
Darlington, John Pratt Barnard Castle, William Ramshaw
Bishop Auckland, William Richmond Heighington, Francis San-
derson Toft Hill, Luke Seymour Henknowle, J D
Shafto Clerk Brancepeth, Arthur Duncombe Shafto Clerk Wil-
lington, Francis Shepper Witton-le-Wear, John Smith Brancepeth,
Smith Langley, Henry Spencer Old Park, Thomas
Storey Saint Helen Auckland, Samuel Swire Great Aycliffe,
George Taylor Witton-le-Wear, J Thompson Clerk Stan-
hope Forest, William Turner Clerk Winstone, John Tyson
Clerk Merrington, William Wales Bradley Lordship, Anothy
Walton Wolsingham South, William Watkin Cleatlam, Joseph
Waugh Cockerton, Thomas White Hamsterley, George Darnell
Wooler Wolsingham East, Henry Wooler Wolsingham Town.

For the West Riding of the County of York.

The Right Honourable Lord Viscount Mountgarrett Nidd Hall,
Reverend James Tripp Spofforth, Reverend Henry George Scawin
Blunt Kirby Overblow, Sir Joseph Radcliffe Baronet Rudding
Park, Henry Brown Harrogate, John James Harrison Harro-
gate, Reverend James Robertson Burton Leonard, Reverend
George Creighton Arkendale, Samuel James Brown Loftus Hill,
William R Ward Farnham, Thomas Collins the younger
Knaresbrough, Francis Thorpe Knaresbrough, John Etson
Knaresbrough, Thomas Atkinson Clerk, Vicar of Great Ouseburn,
William Duffield, William Jeffcock High Haylis, Sheffield, Samuel
Butcher Sheffield, Henry Wilkenson Endcliffe, Sheffield, Edward
Vickers Firs Hill, Sheffield, Michael Ellison The Farm, Sheffield,
Edward Smith Firs Vale, Sheffield, Thomas Rawson Barker
The Edge, Sheffield, John Marsh Lydgate, Sheffield, Thomas
Dunn Richmond Hill, Sheffield, Robert Bentley Rotherham,
Thomas Wheatley Rotherham, James Hodgsham Rotherham,
William Masterman Harris Bradford, William Marten Brad-
ford, Morris Birkbeck Bradford, Benjamin Briggs Popplewell
Bradford, David Rouse Bradford, Cowling Ackroyd Horton,
Bradford, the Mayor, Aldermen, and Recorder of the Borough of
Doncaster, Haywood Jones Badsworth, Reverend Joseph Ken-
worthy Ackworth, Thomas Carter Tanshelf, Arthur Bland
Wrightson Clerk Hemsworth, Thomas Phipps Amium Champ-
neys Clerk Wragby, Edward E Clark Snaith, Frederick
Clark Snaith, Thomas Shearburn Snaith, Sir Isaac Morley
Knight, John Webster, George Clark Walker, George Clark
Walker junior, John Eggleton Morey, Richard Wood, Frederick
Fisher, Frederick William Fisher, Thomas Robinson Mandall,
William

William Stockil, Richard Earnshaw, William Clarke, James Alexander, Timothy Harrison, Samuel Hall, John Rogerson, George Dunn, Edward Nicholson, Arthur Joseph Smith, Thomas Webb, George Johnston, *all of Doncaster*; Bayldon, Thomas, *Hollinghurst, Wakefield*; Bradbury, Uriah, *Ings Grove, Dewsbury*; Charlesworth, John; Charlesworth, Dodgson, *Woolgreaves, Wakefield*; Charlesworth, Joseph, *Lofthouse, Wakefield*; Charlesworth, John Barff, *Lofthouse, Wakefield*; Charlesworth, William, *Walton, Wakefield*; Charnock, Charles, *Stourton Lodge, Wakefield*; Ellis, George, *Tingley Hall, Wakefield*; Haigh, Samuel Wood, *Terrace Cottage, Dewsbury*; Horsfall, John, *Wakefield*; Tomlinson, Edward, *Wakefield*; Westerman, George Hudswell, *Sandal Magna, Wakefield*; Atkinson, Benjamin, *Manston*; Ackroyd, William, *Otley*; Barwick, Richard, *Yeadon*; Bischoff, George William, *Seacroft*; Cooper, John, *Roundhay*; Ellerton, Edward, *Garforth*; Gill, Thomas, *Burley*; Gill, William, *Burley*; Hargreave, Samuel Brown, *Headingley*; Horsfall, Timothy, *Hawthorn*; Howard, John, *Leeds*; Joy, William Thomas Outhwaite, *Leeds*; Lister, John, *Bramley*; Morfitt, John, *Leeds and Horsforth*; Noble, George, *Headingley*; Purchon, John, *Chapel Allerton*; Robinson, George, *Leeds*; Stead, Henry, *Horsforth*; Sykes, John, *Leeds*; Whitaker, John, *Burley*; White, John, *Rawden*; Wilson, John, *Armley*.

For the North Riding of the County of York.

Arden, *the Honourable* Richard Pepper, *Cowton South*; Healey, George, *Middleton*; Fyas, Hutton John, *Sowber Hill*; Pulleine, *Reverend* R Kirby *Wiske*; Robert Petch Kirby *Moorside*, William Kendall Ness, John Hill, Thomas Hill, Frank Dennis Parkinson, Robert Darley Oxley *Skipton-on-Swale*, Thomas William Lloyd *Cowesby Hall*, Samuel Walker *Nether Sifton*, *Reverend* James Hall *West Tanfield*, Mathew Marmaduke Milburn *Sowerby*, Richard William Peirse *Londonderry*, George Irlam Higginson *Sowerby*, *Reverend* John Whitton *Darnbrough South Otterington*, Nathaniel Thomas Lumley Hodgson *Highthorn*, Joseph Watson *Howe*, William Rhodes *Thirsk*, Charles Walker *Kepwich*, *Reverend* George Hughes Hobson *South Kilvington*, *Reverend* Robert Pulleine Kirby *Wiske*.

For the East Riding of the County of York.

William Lindsay Palmes *Clerk* Naburn Hall, *Honourable* Stephen W Lawley *Clerk* Escrick Park, Thomas Preston *Morebey Hall*, Thomas Wood Wilson *Fulford*, George Dods-worth *Fulford*, *Reverend* Richard Coke Wilmot *Neswick*, *Reverend* Henry Jennings *Watton Abbey*, *Reverend* John Mathews *Great Driffild*, *Reverend* George Allen *Little Driffild*, Marmaduke Jerard Grimston *Grimston*, Walter John Grimston *Grimston*, William Henry Grimston *Grimston*, Carlisle Spedding Parker *Gaustead*, Robert Bell *Wyton*, Marmaduke Thomas Pricket *Boreas Hall*, William Child *Easington*, William Carlin *Haverfield*, *Reverend* John Watson *Holmpton*.

For the Town of Malden.

Reverend John Lawrence Prior, David Waddington.

For the Town of Colchester.

John Bawtree junior, Joseph Cooke, John Hawes, William Salter Keymer, Frederick Hasell Newell, Charrington Nichol, Joseph Carter Eisdell, Thomas May, William White, John Wrench, Arthur Lewis Laing, William Stannard.

For the Rest of the County of Essex.

Jacob Howell Pattison *Witham*, John Ward *Hatfield Peverel*, Reverend Henry Calthorp *Great Draxtead*, Joslin Bulwer, Stephen Brown, David Morris, John Chaplin, J C Eisdell, J S Barnes, Reverend George Campion Berkeley, Reverend John Laurence Prior *Weymouth Schreiber*, Thomas James Tatham, Thomas Daniel Ferron Tatham, Abraham William Bullen *Clerk*, James Hardwicke Dyer *Clerk*, Henry Eley *Clerk*, William Kemble *Clerk*, John Lenox, Colin Bullen M'Lachlan, Reverend William Browne Dalton *Little Burstead*, Reverend William Walter Tierman *Bowers Gifford*, Thomas Moore.

For the City and County of the City of Gloucester.

John Wodley Hughes, Charles Prosser, William Jones, Samuel Jones *Hempstead*, Henry Sikes, John E Willis *Longford*, Reverend Benjamin Saunder Claxon D.D., Reverend Charles Hardwicke, John Pauncefoot Hawkins *Minsterworth*, Reverend Erskine Knollys *Quedgley*, John Kendall, Thomas Fulljames, George Newton Cox Buchanan, Lieutenant John Bradley R.N., Alfred Price, John Holbrow, Reverend Jacob Clements *Upton Saint Leonards*, Thomas Aylmer Pearson *Upton Saint Leonards*, James Ackers *Upton Saint Leonards*.

For the County of Gloucester.

Croome, Capel, *North Corney*; Bowly, David, *Siddington*; Hinton, William Hall, *Daglinworth*; Joseph Lawson Sisson *Clerk*, D.D., Coleford, William Aneas Seys *Futshell House*, Thomas Hankins *Newent*, John Hill *Newent*, Thomas Quarrell *Newent*, John Matthews *Newent*, James Matthews *Newent*, John Wood *Newent*, Henry Thomson *Newent*, William Servante *Kempley Clerk*, Daniel Ford *Upleadon*, William Thurston *Dymock*, William Palling *Sheephouse, Painswick*, John Biddle *Stratford Abbey, Stroud*, Richard Wood Lucas *The Woodlands, Stroud*, Alfred John Stanton *The Trupp, Stroud*, Charles Goddard *Stroud*, Henry Cox Goodlake *Painswick*, William Anthony Freston. *Stroud*, George Joseph Saunders Edwards *Stroud*, William John Wood *The Thrupp, Stroud*, John Marklove *Painswick*, Richard Capel *Cull's Farm, Stroud*, Joseph Watts *Hallewell Stroud*, Nathaniel Partridge *Bowbridge, Stroud*, James Charles Hallewell *Stroud*, Henry Ballinger *Chalford, Stroud*, Thomas Hall *Bisley*, Lindsey Winterbotham *Stroud*, Daniel Yarnon Mills *Sutgrove, Miserden*, John Young Sandys *Stroud*, Robert

Robert Spry Davies *Stratford Cottage, Stroud*, Edolph Andrews *Uthwatt Stroud*, Charles Hawkins Fisher *Stroud*, Joseph Timbrell Fisher *Stroud*, John Wodley Hughes *Gloucester*, Charles Prosser *Gloucester*, William Jones *Gloucester*, Samuel Jones *Hempstead, Gloucester*, John E Willis *Longford, Gloucester*, Reverend Benjamin Saunders Claxon *D.D. Gloucester*, Reverend Charles Hardwicke *Gloucester*, John Pauncefoot Hawkins *Minsterworth, Gloucester*, Reverend Erskine Knollys *Quedgeley*, John Kendall *Gloucester*, Thomas Fulljames *Gloucester*, George Newton Cox Buchanan *Gloucester*, Lieutenant John Bradley *R.N. Gloucester*, Alfred Price *Gloucester*, Reverend Jacob Clements *Upton Saint Leonards, Gloucester*, Thomas Aylmer Pearson *Upton Saint Leonards, Gloucester*, James Ackers *Upton Saint Leonards, Gloucester*, John Holbrow *Gloucester*, John Richard Frederick Billingsley *Clerk Wormington Rectory*, John Coucher Dent *Sudeley Castle*, William Watkins *Beckford*.

For the Rest of the County of Hereford.

Thomas Heywood junior *Hopend*, Reynolds Peyton *Barton Court*, Henry Peyton *Colwall*, Reverend John Jones *Little Marele*, George H Holland *Underdown*, William Conolly Watson *Eastnor*, Charles Morton Ricketts Chamberlain *Ledbury*, John Tanner *Ledbury*, Reverend Thomas Dowell *Wellington Heath*, Reverend Frederick Custance *Colwall*, Francis Higgins *Ledbury*, Richard Skinner Hill *Ledbury*, Edward John Webb *Ledbury*, Reverend George James Watts *Ledbury*, Reverend George Henry Johnstone *Mainstone*, James Uphill *The Green, Bromyard*, Thomas Uphill *The Green, Bromyard*.

For the Rest of the County of Hertford.

Henry Rogers *Stagenhoe Park*, Brice Pearse *Gilston*, Reverend William Thackary *Hunsdon*, Thomas Unwin *Sabridgeworth*, Jones Gifford Nash *Bishops Stortford*, James Hillett Simmons *Bishops Stortford*, John Johnstone *Bishops Stortford*, John Dobedo Taylor *Bishops Stortford*, William Taylor *Bishops Stortford*, William Wilby *Bishops Stortford*, William Daniels *Bishops Stortford*, Henry Jennings *Bishops Stortford*, Robert Cole *Bishops Stortford*, Robert Hanbury, Samuel Adams junior *Ware*, James Hudson *Ware*, John Cowell junior *Ware*.

For the Rest of the County of Huntingdon.

Reverend Henry Francis Sidebottom, Reverend Henry Linton, Reverend Thomas Walker, Reverend Henry Nicholson.

For the City and County of the City of Canterbury.

John Sneller, William Brock, Charles Brock, Thomas Rout Burch, Charles Goodwin, John Brent junior, Thomas Andrews, R F Beioley, Thomas Lever Burch, Thomas Pauli De La Saux, James Vidgen, John Knowler, George Cooper, Robert Avann, Silas Cowell, James Holland.

For

For the Town and Liberty of Dover.

Edward Knocker, Thomas Macleod, Stephen Chalk, William Metcalf, Edward Sell, Edward Philpott, Robert Foster, Edward Hills, Samuel Flint Marten, William Rutley Mowel, John Hayward *junior*, John Bates, William Fuller, George Thomas Parks, Robert Crofts Fuller, George Culmer Pound.

For the Town and Port of Hythe and West Hythe within the Liberty of the said Town and Port.

Thomas Denne, Philip Sandilands, George D Hall, Frederick Thomas Scott *Clerk*, Charles Fagge *junior*, James Le Gros, Henry Bean Markeson, John Nelson Frampton.

For the Rest of the County of Kent.

Leonard Peter Staff *Milton*, John Saddington *Milton*, James Charles Hurst, Isaac Hayton, John Henry Hay Ruxton, George Nottidge, Thomas Becket, *Reverend* Richard Davies, John William Finch, Francis Woodgate, James Majoribanks, Charles Price, *Reverend* Edwin Biron, *Reverend* Frederick Wrench, Frederick Brockman, Francis Head Brockman, *Reverend* James William Bellamy, *Reverend* John Price Alcock *Ashford*, John Rose Baker, Charles Andrew Becket, Edward Boys, Henry Boys, John Brenchley, William Brown, Henry Ditchburn, John Alfred Edmeades, Peter Gunning, George Lake, John Lock, William Manclarck, John Murton, Charles Rosher, Henry Savage, Stephen Jennings Swayne, John Tilden, *Reverend* George Edward Murray *Southfleet*, *Reverend* Henry Rasbleigh *Horton Kirby*, *Reverend* Andrew Burnside *Farningham*, *Reverend* John Hallett Hotham *Sutton at Hone*, Clarence Pigou *Dartford*, Edward Hall *Dartford*, Richard Saunders *Hawley*, William Hussey Fleet *Darenth*, Thomas Hall Fleet *Darenth*, Charles Wright *Lower Sydenham*.

For the County Palatine of Lancaster.

James Heywood *M.P.*, George Holgate *Spring Hill, Burnley*, James Roberts *Tarleton House, Burnley*, John Moore *Palace House, Burnley*, George Barnes, *Holt Street, Burnley*, Lord Massey *Hawks House, Burnley*, John Earnshaw *Mount Pleasant, Burnley*, John Ormerod, Hall, David Whitehead *Holly Mount, Burnley*, Peter Whitehead *Holly Mount, Burnley*, John Aitken *Holmes, Burnley*, Richard Ashwork *Hall Carr, Burnley*, Hutton Rawlinson *Ford Thistle Mount, Burnley*, Joshua Hoyle *Bacup, Burnley*, Thomas Aitken *Chatterton, Burnley*, William James Sleath, *Rochdale, Burnley*, Richard Smethurst *Chorley, Burnley*, Jonathan Binns *Lancaster, Burnley*, William Lamb *Hey Carr, Burnley*, Thomas Miller *Preston, Burnley*, James German *Preston, Burnley*, Joseph Livesay *Preston, Burnley*, Robert Munn *Bacup, Burnley*, Thomas Wilcock *Blackburn, Burnley*, John Knowles *Burnley, Burnley*, George Holgate *junior, Burnley*, Captain Harrison *Mount Pleasant, Burnley*, John Hodgkinson *Chorley, Burnley*, Thomas Watts *Chorley, Burnley*, William Nicholson *Thelwall Hall, Warrington, Burnley*, James Nicholson *Thelwall Hall, Warrington, Burnley*, Elisha White *Clerk, Quernmore, Burnley*, James Johnson *Bare Hall, Lancaster, Burnley*, Francis Fenwick Pearson *Gressingham Hall, Lancaster, Burnley*, Francis Pearson *Burrow, Lancaster, Burnley*.

caster, John Bainbridge Leeming *Wray, Lancaster*, William Adam Hulton *Penwortham*, Frederick Earnshaw Marshal *Penwortham Hall*, John Cooper *Penwortham*, Robert Atherton Rawstorne *junior* Hutton Hall *Clerk*, James Streynsham Master *Rectory, Chorley*, Clerk, William Charles Yates *Eccleston*, William Birley *the younger*, Joseph Bray, Henry Paul Fleetwood *junior*, John Horrocks, Henry Miller, John Paley *the younger*, Edward Pedder, Henry Newsham Pedder, Richard Pedder, *all of Preston*, Henry Brock Hollinshead, John Hargreaves *Thursby*, James *Thursby*, Robert Peel *Church*, Henry Petre *the younger*, Henry Hoyle, John Hoyle, William Leyland Fielden, Joseph Acton, William Ainsworth *senior*, John Acton, William Brown, Michael Brown, Richard Barnes, Robert Bone, Thomas Cook, James Dawber, Edward Evans, Caleb Hilton, Thomas Hawett, William Johnson, John Lea, Ralph Leigh, James M'Moldson, William Marshall, Thomas Part, Richard Rannicar, Israel Taylor, James Taylor, Edward Woodcock, William Waddington, Thomas Taylor, Ralph Anthony Thickness, Thomas Thomasson Haulgh, Peter Rothwell Arrowsmith *Great Bolton*, James Knowles *Eagley Bank, Little Bolton*, John Dean *Great Bolton*, Joshua Crook *Great Bolton*, Thomas Tong *Great Bolton*, Thomas Wood Heaton *Great Bolton*, John Bayley *Great Bolton*, Peter Martin *Great Bolton*, William Makant *Gilnow, Little Bolton*, John Cross *Little Bolton*, Thomas Gregson *Great Bolton*, Ellis Wood *Great Bolton*, William Gillebrand Unsworth *Maghull*, Reverend Richard Leigh *Halsall*, Joseph Lyon *Aughton*, Thomas Wintersgill *Aughton*, Thomas Mather Ashton *Ormskirk*, Reverend John Atherton *Kershaw Ormskirk*, Hugh Owen *Ormskirk*, John Robinson *Ormskirk*, Richard Forshaw *Aughton*, Peter Bretherton *Maghull*, James Shaw *Scarisbrick*, Abel Buckley *J.P. Roycroft*, Ashton-under-Lyne, James Buckley, Nathaniel Buckley, Samuel Earnshaw *Ashton-under-Lyne*, James Kenworthy, James Kershaw, *Doctor Campbell*, John Metcalfe, Frederick Rayner, Alfred Rayner, Hugh Mason, Thomas Mason, Ralph Kershaw, James Knott, John Knott, James Andrew, William H Sutcliffe, James Lord *J.P.*, Henry Garside, John Whitaker, Oldham Whitaker, Robert Whitaker, John Buckley *Mossley*, Mark Andrew, Joseph Kershaw, *all of Ashton-under-Lyne*, William Bayley, David Cheetham, John Cheetham, Robert B Benson, Henry Bayley, Henry Johnson, Charles Bayley, *all of Staleybridge*, James Platt *Hartford House*, Andrew Schofield *Werneth*, Abraham Wilde *Werneth*, Spencer Suthers *Croft Bank*, James Tattersall *Westwood*, Edward Wright *Vineyard*, John Hague *Vineyard*, Asa Lees *Watersheddings*, Samuel Barnes *Greenacres Moor*, George Seville *Lower Moor*, John Dronsfield *Werneth*, Samuel Riley *Manchester Street*, William Knott *King Street*, John Bentley *Chatterton*, James Holliday *Oldham*, George Travis *Shaw*, James Cheetham *Firs Mill*, Edward Seville *Lees*, John Travis *Shaw*, Robert Gaskell, John Stubbs, Thomas Glazebrook *Rylands*, George Wilmott Hardy, John Harding *Broughton*, Thomas Hopkins *Broughton*, John Shawcross *Broughton*, Samuel Eveleigh *Chorlton-upon-Medlock*, John Burd *Broughton*, William Collier *Pendleton*,

Pendleton, John Johnson *Broughton*, John Slagg *Broughton*, Henry Renshaw *Broughton*, James Higgins *Salford*, Thomas Bailey Potter *Pendleton*, Frederick Reyner, James Lees, John Whitaker, Abel Buckley, George Heginbottom, James Kenworthy, Hugh Mason, James Smith Buckley, John Metcalfe, James Knott junior, William Tweedale, Watkin Lees, Benjamin Mellon Kenworthy, William Sunderland, John Gartside, Ralph Kershaw, Nathaniel Buckley, John Knott, Richard Christy, Peter Saville, John Kershaw, James Bancroft, William Peacock, John Etchells, John Campbell, *all of Ashton-under-Lyne*, John Cheetham, William Bayley, Henry Bayley, Robert Platt, George Benson, Abdiel Berry, Abel Harrison, Henry Johnson, Charles Bayley, John Pearson, *all of Stalybridge*, John Brooks, William Rawson, William Benjamin Watkins, Absolom Watkins, Henry Banner-man, William Bickham, John Burd, Philip Lucas, Solomon Levi Behrens, Robert Hyde Greg, Henry Houldworth, Alfred Benyon, William Henry Petitjean, William Harvey, James Kershaw, Robert Needham Philips, Thomas Bayley, John Mayson, George Langworthy, Nicholas Heald, Edward Jackson, James Murray, Henry M'Connel, Benjamin Nicholls, Fenton Robinson Atkinson, Benjamin Syddall, John Slagg, Samuel Alcock, John Rawson, John Shawcross, Joseph Chessborough Dyer, Henry Hilton, Thomas Woolley, Elkanah Armitage, Samuel Fletcher, Robert Parrew Livingston, Charles James Stanley Walker, William Romaine Callender, Edmund Potter, Thomas Greig, Samuel Brewis, Edmund Peel Thomson, Thomas Cooke, William Neild, John Hyde, Robert Stuart, *all of Manchester*, Joseph Barratt, Newton Heath, Louis Delaunay *Blakeley*, Joshua Crook *Rumworth*, John Heap *Little Bolton*, Robert Walsh *Little Bolton*, Thomas Haworth M. D., Great Bolton, Samuel Taylor *Little Bolton*, Joseph Bell *Little Bolton*, James Haigh *Little Bolton*, James Arrowsmith *Great Bolton*, John Howard *Broadfield*, George Askworth *Roche House*, Robert Pagan *Mizzy*, Henry Kelsall *Butts*, Robert Taylor *Heape, Castlemere*, Jacob Bright the younger *Greenbank*, Grattan Bright *Greenbank*, Joseph Schofield *Littleborough*, Charles Milne *Rakewood*, Joseph Milne *Rakewood*, Robert Leach Tweedale *Healey Hall*, Edward Greenwood Kay *Millhouse*, Charles Haigh *Broadley*, James Whitehead Haigh *Broadley*, John Whitworth *Facit*, James Whitworth *Facit*, Robert Tweedale *Broadley*, Robert Kelsall *Lord Street*, Thomas Holland *Tonacliffe*, Jonathan Whitworth *Milnrow*, Robert Schofield *Roach Bank*, John Fenton *Crimble*, Joseph Fenton *Crimble*, William Fenton *Meadowcroft*, James Tweedale *Roach Mills*, James Midgley *Spring Hill*, James King the younger *Sandfield House*, John Holdsworth *Moss House*, Samuel Taylor *Church Steps*, William Hastings *Moss*, Thomas Booth *Larkfield*, James Hoyle *Larkfield*, Joshua Radcliffe *Castlemere*, Ellis Jones *Castlemere*, Thomas Ashworth *Castlemere*, Henry Staley *Roach Place*, Thomas Staley *Egerton Terrace*, John Retrie *South Street*, John Bright One *Ash*, George Leach *Ashworth*, *Roach House*, James Ashworth *Holland Street*, John Whitaker *Spotland Bridge*, John Lord *Bacup*, Thomas Shaw *Yorkshire Street*, James Retrie, Samuel

Samuel Heap *Castlemere*, Edmund Lupton *Drake Street*, John Howarth *Smallbridge*, Thomas Turner *Hamer Hall*, James Ewing *Grove Place*, John Haworth *Failinge*, Robert Greenwood *Watty Place, Todmorden*, William Helliwell *Friths Mill*, Peter Ormerod *Stoneswood House*, William Sager, Joseph Butterworth *Spotland Bridge*, Robert Munn *Heath Hall, Bacup*, John Earnshaw *Bacup*, James Leach *Rochdale*, Robert Smith *Bacup*, John Fielden *Centre Vale*, James Fielden, George Haworth *Moss Cottage, Rochdale*, Thomas Hoyle *Lark Mills, Rochdale*, John Ormerod *Irwell House, Rochdale*, John Howarth *Hempsteads, Bacup*, Samuel Wild *Buer-sell Head, Rochdale*, Thomas Heap *Ogden, Rochdale*, Thomas Mellalieu *Middleton, Rochdale*, Samuel Mellalieu *Middleton, Rochdale*, Thomas Hadfield, John Rylands *junior*, John Gordon *M'Minnies*, Peter Rylands, George Crossfield, William Beamont, William Edward Milner, Benjamin Pierpoint, John Dakin, John Edleston, William Wilson *Oxford Mount*, all of *Warrington*, James German *Preston*, Jonathan Sutcliffe, John Brooks *Sunnyside, Burnley*, J. P., James Skirrow *Wray*.

For the Rest of the County of Leicester.

Reverend Gerard Nevile *Tilton*, Reverend Gilbert Beresford *Hoby*, Reverend George Knight *Hungerton*, Thomas Allen *Thur-maston*, William Ward Tailby *Humberstone*, Robert Day *Belgrave*.

For the County of Lincoln, with the City and County of the City of Lincoln.

William Porter *Rochford Tower*, Reverend Thomas Booth *Wright Broughton*, Reverend James Tooke *Hales Tooke Scauby*, Sir Thomas Beckett *Somerby, Gainsborough*, Baronet, George Gamble *Gainsborough*, Thomas Oldman *Gainsborough*, Samuel Bellamy *Gainsborough*, Matthew Maw *Cleatham*, James Lister *Belton*, Edward Carr *Belton Grange*, Reverend John James Wil-kinson *West Butterwick*, Reverend William Duncombe *Crowle*, Reverend Thomas Henry Lister *Luddington*, Reverend Charles Croft *Caythorpe*, Reverend Joseph Dodsworth *Vicar Bourn*, Reverend William Gurdon Moore *Vicar Aslackby*, Thomas Muntou *Lawrence Dunsby*, Reverend William Moxon Mann *Vicar Billing-borough*; Anson, Reverend Arthur; Brown, Benjamin Handley; Brown, Reverend John; Boot, John Hopkinson, *M.D.*; Chaplin, Thomas; Clarke, Reverend J W; Cartois, Reverend Peregrine; Dickenson, Willie; Godson, Richard, *the elder*; Hildyard, Reverend James; Hine, Reverend Henry Thomas Cooper; Peacock, William Henry; Peacock, Gilbert Christopher; Tomlinson, John; Williams, Reverend William; Wilson, Reverend Edward.

For the City of London.

Daniel Mildred *Nicholas Lane*, John Masterman *junior Nicholas Lane*, Richard Gude *George Yard, Lombard Street*, Henry Alsager *George Street, Mansion House*, William Archer *Upper Thames Street*, Matthew Atherley *Bridgewater Square*, John Pelly Atkins *Walbrook Buildings*, Thomas Barkley *Little Tower Street*, William Ludlam

Ludlam Barton *Bishopsgate Street Within*, Joseph Blades *Abchurch Lane*, Charles Bond *Cannon Street*, Thomas Brandran *Sise Lane*, Henry Brown *Throgmorton Street*, William Thomas Brown *Watling Street*, Richard Corfield Bucknall *Crutched Friars*, Bloomfield Burnell *Fenchurch Street*, Thomas Challis *Wilson Street*, Leonard Chandler *Newgate Market*, George Chater *Cornhill*, Daniel Cork *Leadenhall Market*, John Currall *Bishopgate Street Within*, Thomas Dakin *King William Street*, John Dillon *Fore Street*, William Dunnett *Cheapside*, Edward Fisher *Leadenhall Street*, Richard Gude *George Yard*, *Lombard Street*, John Hale *Redcross Street*, Thomas Allen Hankey *Fenchurch Street*, Samuel Hanson *Trinity Square*, Benjamin Hardwick *Weavers Hall*, Charles Hargrave *Basinghall Street*, Edward Harrison *Cornhill*, George Hayter *Cornhill*, Robert Henley *Aldersgate Street*, Edmund Hodgson *Fleet Street*, James Hoole *Aldermunbury*, John Johnson *Whitecross Street*, Joseph Joseph *Bow Lane*, John George Lacy *Great Saint Helens*, James Lake *Aldgate*, Richard Lloyd *Holborn Hill*, William Lund *Cornhill*, Edward Masterman *Nicholas Lane*, Charles Meeking *Holborn Hill*, Frederic Mildred *Nicholas Lane*, Henry Miller *Fenchurch Street*, Philip Charles Moore *Doctors Commons*, Joseph Morris *Ludgate Street*, Lewis Lane Pittman *Mortimer Bush Lane*, William Nash *Cornhill*, Thomas Scambler Owden *Bishopgate Street Without*, John Parker *junior Minories*, Robert George Pead *Honey Lane Market*, Benjamin Samuel Phillips *Newgate Street*, Richard Marshall Phillips *Rood Lane*, William Potter *Aldgate High Street*, Henry Richard *Newgate Street*, John Stevens Pullen *Fore Street*, Richard Randall *Cornhill*, James Roberts *Eastcheap*, Samuel Ridley *Newgate Street*, Lionel de Rothschild *Saint Swithin's Lane*, David Salomons *Shorters Court*, Henry Smith *Fell Street*, John Sim Smith *Trinity Square*, Thomas Smith *Saint Paul's Church Yard*, Benjamin Standring *junior Minories*, Edward Stillwell *Bridgewater Square*, Henry Sutton *Bow Church Yard*, Thomas Symonds *Leadenhall Market*, William Jackson Taylor *Great Carter Lane*, George Thomson *Castle Street*, *Falcon Square*, James Richard Thomson *George Street*, *Minories*, Robert Tidswell *Foster Lane*, John Ingram Travers *Saint Swithins Lane*, Joseph Turnley *Savage Gardens*, Joseph Warmington *Leadenhall Market*, Charles Wharton *Threadneedle Street*, James Waterlow *Birchin Lane*, John Watson *Holborn Hill*, William Webster *Moorgate Street*, Robert Westwood *Newgate Street*, Thomas White *Dowgate Wharf*, Robert Butler Whiteside *Aldgate*, Robert Wild *Houndsditch*, William Meade Williams *Rood Lane*, John Wilson *Masons Alley*, *Basinghall Street*, Mark Woodhouse *Saint Dunstan's Hill*, Thomas Young *Mark Lane*.

*For the City of Westminster and Liberties thereof, and Offices
executed in Westminster Hall.*

Thomas Cubit *Lyal Street and Thames Bank, Pimlico*, Thomas Davidson *Saint George's Place, Knightsbridge*, William Houghton *New Bond Street*, Hugh Andrew J *Munro Park Street*, Edward Otley *Conduit Street*, John William Thomas *New Bond Street*,
[No. 38. Price 2d.] P p

Street, Joseph William Thrupp *Upper Brook Street*, Reverend William Bentinck Lethem Hawkins *Great Marlborough Street*, Robert Cocks *New Burlington Street*, Alexander Masters Bidgwood *Vigo Street*, Henry Hamilton Cafe *Great Marlborough Street*, David Carr *Golden Square*, John George Mason, 216, *Piccadilly*, Henry Lowman *Regent Street*, George Frederick Smith *Golden Square*, Edward Foster *Pall Mall*, Daniel Davies *Warwick Street*, *Regent Street*, James Leek Ridgway, 69, *Piccadilly*, William Buckmaster, 3, *New Burlington Street*, James Butler, 155, *Regent Street*, Samuel Frederick Miller, 10, *Duke Street*, John Wilkinson, 32, *Piccadilly*, Joseph Gibbons *Oxford Street*, Miles Miley junior, 42, *Warwick Street*, Jabez Benson, 39, *Warwick Street*, Francis Graydon Johnstone, 4, *Beak Street*, *Regent Street*, Andrew Fleck *Great Marlborough Street*, John Brunscombe *Pall Mall*, David Carr *Warwick Street*, Henry Paul Davies *Warwick Street*, John Thomas Campbell *Warwick Street*, Thomas Godfrey Sambrooke *Water Street*, Joseph Holl *Milford Lane*, Edward Willoughby *Lancaster Place*, William Henry Smith, 192, *Strand*, William Essex *Stanhope Street*, Thomas Essex *Stanhope Street*, Samuel Barton *Strand*, *Saint Martin's in the Fields*, John Liles *King Street*, *Saint Paul's*, *Covent Garden*, Richard Daniel *King Street*, *Saint Paul's*, *Covent Garden*, John Freeman, 53, *Saint Martin's Lane*, Willoughby Methley *Frith Street*, Robert Robinson *Dean Street*, John Vickery Broughton *Oxford Street*, James Newman *Soho Square*, John William Allen *Carlisle Street*, Frederick Lasse *Prince's Street*, Sir Moses Montifiore Baronet Grosvenor Gate, *Park Lane*, John Rogers *Upper Fitzroy Place*, John Flight *Upper Brook Street*, James Wyld *Charing Cross*, James Coppock *Cleveland Row*, Thomas Prout *Strand*, Gilbert Pouncy *Long Acre*.

For the Rest of the County of Middlesex.

Thomas Henry Riches *Uxbridge*, Henry Hull *Uxbridge*, Joseph Smith *Hillingdon*, John Austin *Hillingdon*, William Hull *Uxbridge*, John Hull *Tell Belmont*, Samuel Hull, Daniel Rutter, Samuel Chard *Muswell Hill*, James Coppock, John Branscombe, James Wyld, Thomas Prout, Gilbert Pouncy, John Rogers *Upper Fitzroy Place*, *Kentish Town*, J Montgomery *Brentford*, Aplsley Pillatt *Staines*, Daniel Cronin *Bloomsbury Square*, Benjamin Hall, John Rogers *Upper Fitzroy Terrace*, *Kentish Town*, John William Allen *Cavendish Road*, *Saint John's Wood*, Thomas Elsom *Manor Cottages*, *Holloway*, John Freeman, 53, *Saint Martin's Lane*, James Gates *East India Road*, John Carter, 53, *High Street*, *Poplar*, Benjamin Hall, 13, *King Street*, *Commercial Road*, William Unwin, 90, *Milton Street*, Timothy Owlett, 23, *Milton Street*, George Henry Braine, 32, *Harewood Square*, Alfred Daniel, 44, *Harewood Square*, Richard Edward Davies, 29, *Harewood Square*, Henry Myers, 94, *Milton Street*, James Hutchons, 2, *Clarence Terrace*, Thomas Cluxton, 38, *Edward Street*, *Dorset Square*, George Croxton, 18, *Harewood Square*, James Foulger *Carlton Hill*, Bennett Wood, 5, *New Street*, Jonathan Richards, 23, *New Street*, John Boulcott, 3, *Clarence Terrace*,

Terrace, Joseph King Northwick Terrace, John Isaacs, 30, Dorset Square, William Laws Ogilby Sussex Terrace, Doctor Colin Rogers, 29, Dorset Square, Major Thomas Croxton Upper Baker Street, William Eagle Milton Street, James Irewin Lisson Grove North, Richard Hickman, 11, Chapel Street, George Daniel Elm Tree Road, Regent's Park, George Starkins Wallis Whitechapel Road, William Fisher Three Colt Street, Limehouse, Thomas Ware Upper Thurlow Place, Hackney Road, John Gregory Crispin Street, Spitalfields, John Stephen Day Crispin Street, Spitalfields, James Day Spitalfields Market, James Wilson Red Lion Street, Spitalfields, Thomas Lulham Whitechapel Road, William Joseph Rogers Rodney Terrace West, Mile End Road, James Oliver Grove Lodge, Wood End, Hayes, William Henry James, 15, New Bridge Street, Blackfriars, William Foster Smith Hendon, William Henry Wise Cricklewood Hendon, John Wills, 371, Oxford Street, George Henly Elford Brent Street, Hendon, John Bewley North Place, Kingsland Road, Richard Attenborough Oxford Street, George Barclay Avenue Road, Walter Barker South Bank, Lieutenant General Sir James Bathurst Devonshire Place, Thomas Bloomer Upper Gloucester Place, George John Boyce Lisson Grove, John Bowen Circus Road, Frederick Horatio Bridgman Wigmore Street, William Joseph Bruce Edgware Road, William Burchill Upper Harley Street, Thomas Haviland Burke Gloucester Place, Frederick Burrell Baker Street, Salmon Burrell Vere Street, William Samuel Burton Oxford Street, Charles Calley Hamilton Terrace, William Carpmael Lincoln's Inn, Robert Chenery Bryanston Street, William Clapperton Grove Terrace, George Cottam Acacia Road, Arthur Currie Cavendish Square, Isaac Carter Curtiss Marlborough Place, Charles Eaton Ellis Harley Street, Charles Gibbs Cavendish Square, Nathaniel Goldsmid Upper Berkley Street, Jonathan Hayne Dorset Square, Charles Hockin Duke Street, Valentine Knight Cornwall Terrace, John Labouchere Portland Place, Edward Majoribanks junior Cavendish Square, Archibald Michie James Street, Sir Oswald Moseley Baronet Portland Place, John Augustus Nicholay Oxford Street, Henry Perigal Avenue Road, John Shapter Devonshire Place, Thomas Slodden Beaumont Street, Kennard Smith Weymouth Street, Samuel Josiah Stephens Charlotte Street, Sir Walter George Stirling Baronet Portman Square, Edwin Adolphus Turner High Street, John Wright Treeby Finchley Road, Lawrence Walker Welbeck Street, John Williams Regent Circus, Paul Wilmot Welbeck Street, John Richardson Winckworth Kent Terrace, Edward Wyndham Blandford Square, Richard Moreland junior Penton Street, Pentonville, Thomas Bowdery, 4, Canonbury Square, Islington, John Vaughan Lloyd Square, Clerkenwell, Joseph Ratcliffe River Street, Clerkenwell, William Holme Twentyman, 20, Regent Villas, Thomas Allason, 1, Connaught Square, John Mayo, 31, Connaught Terrace, William Street, 6, Park Villas, Park Place, Paddington, Charles Wardall, 43, Westbourne Terrace, Henry Moore, 18, Calthorpe Street, William Pagden, 21, Calthorpe Street, James Mansfield Little James Street, Grays Inn Lane, William Hamilton Woburn Square, Joshua Hargrave Sams Mann Old Chapel House, Kentish Town,

Town, Clement Hur *M. D.*, George Herbert Kinderley, Samuel Pocock, Thomas James Tatham, Thomas Daniel Fearon Tatham, Charles Corben, Richard Henry Bullock, James Ashmore, Thomas Newborn, Robert Morson, Thomas Waring, William Williams, William Payne, Samuel Simons, William Chapman Harnett, Peter Fearnhead *Cole Hill Lodge, Fulham*, George Chancellor, 1, *Cheney Row, Chelsea*, Edmund Hawke Nixon *Earls Court, Kensington*, John Fielden *Nelson Lodge, Trafalgar Square, Chelsea*, George Pinckney Whitfield, 27, *Thurlow Square*, Joseph Simpson *Brook Green, Hammersmith*, James Bird *Brook Green, Hammersmith*, Frederick Gaskell *Markham Square, Chelsea*, Edward Williamson *Smith Street, Chelsea*, Benjamin Berry *Paulton Square, Chelsea*, John William Graham *Manor Terrace, Chelsea*, William Thomas Wiggins *Park Walk, Chelsea*, Richard Sanderson Cooper *Stanley Place, Chelsea*, Thomas How *Gordon House, Turnham Green*, Michael Henry Howard *Thistle Grove, Brompton*, George Antoine Ramsay *Hill Lodge, Clay Hill, Enfield*, John Millar *Oak House, Enfield*, John James Short *Clay Hill, Enfield*, John Moore Heath *Vicar Enfield*, Peter Smith *Chase Green, Enfield*, Samuel Richard Heseltine *Chase Side, Enfield*, David Waddington *Forty Hill, Enfield*, John Cruikshank, 21, *Milton Street*, John Moxon *Hanover Terrace*, John Huskisson *Upper Holloway*, Ambrose Warde *Upper Holloway*, William Dennis *Caledonian Road, Islington*, Henry Gardner *Saint John Street, Clerkenwell*, George Brooks *Upper Holloway*, William Gardner *Saint John Street, Clerkenwell*, John Bashall *Compton Terrace, Islington*, Mark Wymark *Perceval Street, Clerkenwell*, William Rowland *Lower Smith Street, Clerkenwell*, Daniel Peacock *Wildbore Old Street, Saint Luke's*, George Farmiloe *Saint John Street, Saint Sepulchre*, Thomas Bedggood *Wharf Road, City Road*, James Farnell *King Street, Clerkenwell*, Thomas Elsom *Manor Cottages, Holloway*, Matthew Wyton *Spencer Terrace, Islington*, John Cavell *Guildford Street, Russell Square*.

For the County of Monmouth.

Reverend John Fleming *Llangwm*, Reverend John Philip Reece Shephard *Monkswood*, Reverend James Blower *Llangraieu*, John Shephard *Usk*, Henry Burnell Jones *Christchurch*, Reverend Francis Burford Leonard *Penhow*, Reverend Thomas Williams *Langstone*, Lewis Williams *Redwick*, James Jamieson Cordes, Reverend William Isaac, Frederick Justice, George Lawrence, John Edward Lee, William Williams *junior*, Reverend Henry Wybrow, Reverend John Bath Gabriel *Vicar Chepstow*, Reverend Richard Williams *Crick, Chepstow*, William Aneas Seys *Tutshill House, Chepstow*.

For the City and County of the City of Norwich.

Dennis Barnard, George Barker, William Brazill Bensly, Hall Brown, John Olley Cattermole, George Chater, Charles Cullyer, William Jary Cubitt, Harry Dove, John Foster, Henry Francis, Matthew Gaze, George Gedge, William Goodwin *Clerk*, William Hall, Robert John Harvey Harvey, Ephraim Hinde,

Hinde, Francis Hinde, Daniel Harmer, Robert William Hawkes, Robert Horne, John Hawkins, Edward Hart, Walter Hart, George Joes, Benjamin Charles Lamb, Henry Ling, George Doughty Lynn *M.D.*, Robert Mandall, John Brandram Morgan, Henry Brandram Morgan, Robert Morris, John Owen *Clerk*, Martin Fountain Page, Samuel Deyns Page, Henry Ransome, Robert Seaman, Edward Smyth, Christopher Spencer, James St. Quintin, Edward H St. Quintin, John M Stother, William Cooke Stafford, Arthur Tawke *M.D.*, Robert Thompson *junior*, John Cobb Frory, Charles Turner *Clerk*, John Venning, Robert Ward, James Watson, William Warren.

For the County of Norfolk.

Reverend Walter Burroughes *Morningthorpe*, *Reverend* Jeremiah Curteis *Shelton*, *Reverend* Charles Grain *Wacton*, *Reverend* Robert Lawson *Moulton*, Francis Bloy *Stratton Saint Michael*, Henry Villebois, *Reverend* George Henry Dashwood, *Reverend* William Joseph Parkes, *Reverend* Charles Boutell, John Tayle, Thomas Wood, Thomas Sewell Moore *Warham*, John Groom *the elder* Great Walsingham, George Edward Frere *Roydon*, Samuel Farrow *Diss*, Philip Harrison *Diss*, Henry Heffill *Diss*, Edward Norton *Diss*, Robert Fincham *Diss*, *Venerable* Thomas Johnson Ormerod *Archdeacon of Suffolk and Rector of Redenhall with Harlston*, *Reverend* George France *Rector of Brockdish*, Barnabas Bond *Alburgh*, George Copeman *Aylsham*, *Reverend* Henry Philip Marsham *Marsham*, *Reverend* William Henry Beauchamp *Chedgrave*, Robert Gilbert Ashby *Loddon*.

For the County of Northampton.

William Somerset Rose, William Thomas Maunsell, *Reverend* George Powys Stopford, *Reverend* George Edmund Maunsell, *Reverend* Thomas Kellier Madge, Ezekiel Barton *Irthlingborough*, Thomas Hodsoll Wilkins *Ringstead*.

For the Town and County of Newcastle-upon-Tyne.

William Adamson, George Bolam, Charles Edward Cookson, Richard Charles Coxe *Clerk*, George Crawshay, George John Fenwick, William Henry Fife, Thomas Leslie Gregson, James Samuel Harvey, Robert Hawthorn, William Hawthorn, Newbeggin Kent, Matthew Plues, John Anderson Pybus.

For the Town of Berwick.

William Smith *Ava Cottage*, William Murray *Marshall Meadows*.

For the County of Northumberland.

Lancelot J H Allgood *Nunwick*, John Atkinson *Newbiggen*, *Reverend* John Biggs *Stamfordham*, Isaac Crawhall Halliwell Dean *Hexham*, Rowland Errington *Landhoe*, Sir Edward Haggerston *Baronet*, *Reverend* Joseph Hudson *Hexham*, John M Ridley *Humshaugh*, Charles Grey Grey *Dilston*, Riddell Robson *Whorlton House*, Charles Francis Shum *Higham Dykes*,

Dykes, Henry Reed *Chirton House*, *Honourable* Frederick William Grey, William Dickson, Thomas Thorp, Court Granville *Clerk*, John Hemsworth Broomhouse, John Pratt *Berwick*, Alexander Smith *Norham*, James Greive *Ord House*, Thomas Hodgson, Morris Hall, William Dickson *Alnwick*, Thomas Frear, Grindon Ridge, John Samuel Green *Clerk* Wooler, Sir Horace St. Paul *Bannoor Castle*, Richard Hodgson *Carham Hall*, Francis Thompson *Clerk* Carham, Matthew Burrell *Clerk* Chattow, Robert Jones *Clerk* Branxtow, Richard Craster Askew *Pallinsburn House*, George Brumell, Matthew Brumell, Anthony Charlton, Ralph Errington *Clerk*, John Gibson *Clerk*, Robert Hawdon, Thomas Jobling, William Smith *Longridge*, John Moor, Charles Cuthbert Shafto.

For the County of Nottingham.

James Baily *Southwell*, John Barrow *Normanton*, Alexander Bodham *Kirklington*, Robert Kelham *Bleasby*, Samuel Maltby *Southwell*, Richard Milward *Thorington Priory*, John Parkinson *junior* Hexgreen, Richard Henry Hollis Pigot *Southwell*, John Elliott Ironside, Lawrence Robert Hall, John Wolley *Clerk*, Francis Walford, Richard Hall, Edward Joseph Lowe.

For the City of Oxford.

The Mayor and Aldermen of the City of Oxford for the Time being, the Town Clerk for the Time being, Richard Chillingworth Godfrey, John Thorp, James Morrell *junior*, William Ward, George Parsons Hester, Charles Randall Hickman.

For the County of Salop.

Francis Marston *Aston*, Peter Beck, John Hazledine, Thomas Groves, Charles Lloyd, Robert Baugh Blakemore, John Legh, John Loxdale, William Egerton Jeffreys, John Bishton Minor, Benjamin Birch, *Honorable* Henry Wentworth Powys, John Bather, George Mountford, *Reverend* Bertie Entwisle Johnson *Childs Ercale*, *Reverend* John Gladstone Stoke, William Tayleur *Buntingsdale*, William Vardon *Goldstone*, Edward Clive *Stych Hall*, Robert Herbert Clive *Stych Hall*, Algernon Charles Heber Percy *Hodnet Hall*, *Reverend* Samuel Herrick Macauley *Hodnet*, John Horner *Drayton*, John Edwards Wilson *Drayton*, Sir John Newdegate Ludford Chetwoode *Baronet* Oakley Park, *Reverend* John Allen *Prees*, *Archdeacon of Salop*, Thomas Hugh Sandford *Sandford Hall*, Whitehall Dodd *Cloverley Hall*, *Reverend* William Henry Egerton *Whitchurch*, William Corbet Kent *Whitchurch*.

For the City of Bath.

William Hunt *Pulteney Street*, Thomas Hunt *Pulteney Street*, Henry Gordon Nelson *Place*, Thomas Cuff Adams *Rivers Street*, Norwich Duff *Brock Street*, Alired Augustus Harvey *Norfolk Crescent*, Henry Alexander Barry *Norfolk Buildings*, Sir John Hare *Knight* Royal Crescent, Thomas Francis Charles Mainwaring *Marlborough Buildings*.

For

For the Borough of Bridgewater.

William Browne, John Hawkey Bingham Carslake, Samuel Woolcott Browne, Charles John Pine Browne, Joel Spiller.

For the County of Somerset.

John Knight Cannington, Sealey Poole Cannington, John Hawkey Bingham Carslake, Charles John Pine Browne, Joel Spiller, Benjamin Lovibond, *all of* Bridgewater, James Curtis Somerville Wells, Edward Parfitt Wells, Reverend John Armstrong Dinder, Reverend William Thorpe Wookey, William Plummer Brislington, Richard Ricketts Brislington, Charles Edwards Brislington, Reverend Charles Paul Weller, John Hill Walcot, John Rottom Walcot, Norwich Duff Captain R.N. Walcot, George Clutterbuck Tugwell Widcomb, Philip Sheppard Bathampton John Adams Walcot, Sir Robert Preston Baronet Bathwick, Rear Admiral Arthur Lysaght Walcot, George Monkland Walcot, James Heywood Markland Walcot, William Hunt Bathwick, Henry Walters Bathwick, Melmoth Walters Batheaton, Robert Allford Cheddar, George William Bennett Banwell, William Coates Wrington, Thomas Coulson Festing Blagdon Court, Richard Mills Burrington, Thomas Somers Burrington, Robert Wallace Winscombe, Joseph Wollen Wedmore, Joseph Edwards Hutton, William Rees Mogg Camley, Frederick Spry High Littleton, William Henry Cartwright Clerk Compton Martin, David John Dickson Paulton, Henry Milward Clerk Paulton, John Brakenridge Chew Magna, William Hooper East Harptree, John William Groves Clerk Chewton Mendip, George Granville Harcourt M.P. East Harptree, Henry Edmund Wright Clerk Litton, Thomas Moore Clerk West Harptree, Samuel Johnson Clerk Hinton Blewett, William Hunt Pulteney Street, Bathwick, Henry Godwin, 22, Queen Square, Walcot, Reverend Jerom Murch Queens Parade, Sir John Hare Knight Royal Crescent, M G Moger Bathwick Hill, Bathwick, Henry Bridges Smith, William Horne Pierpoint, Matthias Harris Forefield Place, Lyncombe and Widcombe, Francis Thomas Allen Grosvenor Place, Walcot, Thomas Gill, 4, Sydney Place, Bathwick, Robert Cook Vane Street, Roger Robert Tichborne Sydney Place, Thomas Francis Charles Mainwairing Marlborough Buildings, Walcot, Admiral in the Navy, Robert Scott Macauley Buildings, Lyncombe and Widcombe, Richard Eckley Darlington Place, Bathwick, Alfred Augustus Harvey M.D. Norfolk Crescent, Walcot, Richard Crawshay Hall R.N. Grosvenor Place, Walcot, Samuel Batchellor Corston Lodge, Corston, Richard Hare R.N. 6, Somerset Place, Walcot, Thomas Croxall Caon Portland Place, Henry Bell Raby Place, Bathwick, Thomas Barter Oxford Building, Walcot, John Sinkins Wallbridge, Frome, Honorable Robert Edward Boyle Marston Bigot, William Ashman Green Lynch House, Old Down, Chilcompton, Reverend John William Bennett Mark, John Hancock Wedmore, Thomas Porch Porch Glastonbury, Richard Hill, Richard Sheppard, Thomas Sidney Hewitt Aston Cottage, Winscombe, Charles Fry Compton House.

For the Town and County of the Town of Southampton.

The Mayor, Recorder, Aldermen, and Town Councillors of the Town and County of the Town of Southampton for the Time being ; Abbott, William ; Allen, John Meade ; Atherley, George, junior ; Betts, William ; Bienvenu, Nicholas ; Borrett, George ; Bowyer, William Bohun, *Captain R.N.* ; Bromley, Charles ; Brooks, Daniel ; Buchan, Henry ; Channell, James ; Chudleigh, Thomas ; Clark, Henry, *M.D.* ; Coles, Richard ; Cooper, Edmund ; Day, Charles Arthur ; Drummond, William Charles ; Forder, William ; Francis, John ; Harrison, Charles ; Hetherington, George ; Hunt, George ; Hunt, Robert ; Jellicoe, Samuel ; Keele, Charles, *Captain R.N.* ; Laishley, George ; Lobb, Joseph ; Long, James ; Mayes, Edward ; Parsons, John ; Randall, Edward, *Mayor* ; Roche, Joseph, *Commander R.N.* ; Rogers, William Cooper ; Steere, William Hook ; Saintsbury, George ; Tinling, Edward Bromaby, *Captain R.N.* ; Twynane, Edward ; Worsop, John Arthur.

For the County of Southampton and Isle of Wight.

Lichfield, William, *Nursling* ; Rawlins, George, *Lee House, Romsey* ; John Willis Fleming *Stoneham Park, N N* ; Jeffreys *Hollybrook*, Thomas Sloan Moody *Southampton*, William Bridger *Corndy's Westend*, Edward Hunt *Shirley*, James Bennett *Shirley*, James Royds *Exbury*, William Howard *Whitehead Wood*, James Warner *Staple Court*, George Laishley *Shirley*, William George Humphreys *Brushdon*, *Honorable Sir* Edward Butler *Shamblehurst*, Henry Dumbleton *Thornhill*, George Robert Godden Ricketts *North Stoneham*, Alexander Thomas Collingwood Dickson, Charles Osborn, Stephen Barney, *Reverend* Wyndham Carlyon Madden, *Reverend* Thomas Walpole, Francis Brace, John Brocas Whalley Smythe Gardiner, Wilson Bradyll Bigland, *Reverend* Richard Foster Carter, Joseph O'Brien, Wilson Bigland.

For the City and County of the City of Litchfield.

Edward Jones, Arthur D Griffith, John Allport, Joseph Pimlot Oates, Edward Bond, Thomas G Lomar, Thomas Dunn, John H Blood, Charles E Welchman, George Buckeridge *Clerk*, Thomas Worthington, Richard Waltham, Frederick Bond, George Birch, William Palmer, William Mander, John Griffith, William Greene, John Smith, William Smith, William Elkington, Thomas Hodson, Thomas Parr *Clerk*, Robert Sharp.

For the County of Stafford.

Philip Buchanan *Hales Hall*, John Booth *Audley*, Sir John Newdigate Ludford Chetwode *Baronet Oakley Hall*, Samuel Harding *Willoughbridge Wells*, Thomas Harding *Clerk Ashley*, Robert Smith *Grindley House*, Charles Philip Wilbraham *Clerk Audley*, Charles Flint *Compton House, Leek*, Edward Kinnersley *Newcastle-under-Lyme*, Thomas Sparrow Wilkinson *Newcastle-under-*

under-Lyme, Frederick Wright Tomlinson, Henry Allsopp,
 C E Mousley, John H Bradburne,
 Thomas Bagnall, Richard Bagnall, James Bagnall, Edward
 Blakemore, John Harris Blakemore, Thomas Chawner, Sir
 C M Clark *Baronet*, Thomas Coudginton, Henry
 Chetwynd, R C Chawner, W H Dawes,
 John Dashmore *Clerk*, William Garnatt, Charles Garnatt, Henry
 Garnatt, Samuel Hunt, William F Gordon, Thomas
 Gordon, Richard Haines, *the Honourable* F Jarvis, William
 Harrison, Joseph Hugill *Clerk*, H G Fisher *Clerk*,
 Edward Harston *Clerk*, Howard James, R W James,
 Thomas Johnson, A E Manley, R J
 Manley, J S Manley, William Masfen, John
 Owen, John Potter, Thomas G Parr *Clerk*, John Stubbs,
 Thomas G Simeon *Clerk*, James Spry *Clerk*, John
 Williams, James Wyley, P A Williams, William
 Williams, Henry Williams, Sir Francis Scott *Baronet*, Henry
 Swinfen, Edward Scott, John Walker *Clerk*, J Webb,
 Kerr *Clerk*, Addenbrook, Edwin Maw, R
 Scott, B H Allen, William Birch, J
 W Daniel, John Dashmore *Clerk*, William Daniel, Henry
 Clerk, Henry G Gascoyne, Charles W Lyon,
 Robert Levett, Thomas Johnson, George Kettle, Henry May-
 nell, H M Maynell, John Perks, William Perks,
 Henry J Pye *junior*, Spencer Thompson, William Ship-
 ton, Thomas G Parr *Clerk*, John Spencer Stone, Samuel
 Stead *Clerk*, Francis Webb, J Webb, Thomas Webb,
 Frederick Webb, Francis Valpy *Clerk*, Sir Charles Wolseley
Baronet, Richard Croydon *Penkridge*, William Johnson *the younger*
 Rickerscote, Charles Wright *Rickerscote*, James Wyley *High Onn*,
 Thomas Boulton *Foubridge*, John Twigg *Barnfields*, John Ken-
 kerdine Shaw *Stafford*, Sir Robert Pigot *Baronet* Patshull,
 Edward Davies *Clerk* Himley, Edward John Wrottesley *Clerk*
 Tettenhall Clericorum, William Bennitt *Kinfare*, William Crump
Clerk Rowley Regis, Joseph Pitman *Amblecoat*, John Alexander
 Baxter *Clerk* Lower Sedgley, Joseph Butterworth Owen *Clerk*
 Bilston, William Tarratt *Bushbury*, Leacroft Freer *Kingswinford*,
 Thomas Fowke *Wolverhampton*, William Mander Sparrow *Penn*,
 Arthur Sparrow *Penn*, Thomas Wight *the elder* Kingswinford,
 Daniel Banton *Seisdon*.

For the Borough of Bury Saint Edmunds.

The Honourable Charles Petre, William Hubbard, Charles Johnson, John Kilner, William Bodham Donne.

For the Rest of the County of Suffolk.

Edward Robert Starkie Bence *Kentwell Hall*, Long Melford,
 John Barrett Gurden *Assington Hall*, Charles Warner Hanmer
Holbrook Hall, Little Waldingfield, Henry Revel Homfray *Stradis-*
hall, Reverend William Keeling *Barrow*, Reverend Henry Bun-
 bury Blake *Bayton*, Reverend William Sprigge *Brockley*, John
 William Brooke *Sibton*, Reverend Thomas Orgill Leman *Bramp-*
ton,

ton, Reverend Charles Craven Spexhall, Thomas Rant Chediston, Reverend William Holland Huntingfield, Reverend Robert Firmin Yoxford, Charles Blois Yoxford, Henry Lankester Freeman Saxmundham, Reverend John Bax Marriott Clerk Iken, Reverend Edmund Holland Clerk Benhall, Reverend George Frederick Pooley Clerk Cransford, William Abraham Shuldham Cransford, Reverend Thomas Mayhew Clerk Metfield.

For the County of Surrey.

William Lawrence Commercial Road, Lambeth, Thomas Gabriel junior Commercial Road, Lambeth, William Wight Compton, George Charman Haines Stroud, Witley, Henry Hotham Silverlands, Chertsey, James Battersbee Park Lane, Croydon, William Juggins, James Eland Hobson Blackfriars Road, Robert Forest Vauxhall, Joseph Henry Barchard Putney, Anthony Fothergill Bainbridge Wandsworth, James Du Buisson Wandsworth, Sebastian Garrard Wandsworth, Robert Hudson BATTERSEA, James Howell Wandsworth, Thomas Langton Wandsworth, Thomas Robson Wandsworth, William Henry Wells Wandsworth, Charles Allen Young Wandsworth, Fenton, Miles Burkitt Saint Saviour, Henry Simpson Saint Saviour, George Richard Gainsford Saint George, John Roberts Saint George, William Robinson White Saint Olave, John Peter Knight Saint Olave, Benjamin Edgington Saint Olave, Jeremiah Pilcher Saint Olave, John Humphery junior Saint Olave, John Williams Ledger Saint Johns, Robert Goulding Saint Johns, John Dudin Brown Saint Johns, John Addis Saint Johns, Jacob Richards Richmond.

For the Rest of the County of Sussex.

Richard Weekes Hurstperpoint, Thomas Frewen, Reverend William Glaister, Reverend Henry John Rush, George Gatty, Charles Robert Sperling, Jeremiah Smith, Tilden Smith, Herbert Mascall Curteis, Sir Henry Thompson Baronet, Reverend George Augustus Lamb D.D., Charles Hay Frewen, Reverend Richard Wetherell, Frederick Webster, Reverend William Pearse, Thomas Ellman, Reverend John Image, George Weeks Hurstperpoint, John Allfree Brighton, Francis Sheriff Brighton, Charles Rogers Hove, Reverend William de St. Croix, Reverend Edward Boys Ellman, Sir Charles William Blunt Baronet Heathfield, Edward Donne Battle, Reverend John Williams Maher Brede, Reverend John Phillips Ninfield, Frederic Ellman Battle.

For the County of Warwick.

Reverend Randolph Skipwith Wolston, Reverend Arthur Andrew Onslow Claverdon, Reverend Thomas Hassell Mynors Tamworth, Reverend Augustus Page Saunders D.D. Tamworth, Edward Armfield Edgbaston, Howard Luckcock, Westley Richards, Samuel Beale Birmingham, Francis Clark Edgbaston, Henry Van Wart, Frederick John Welch Birmingham, Thomas Pemberton, Reverend Patrick Murry Smythe Solihull, Charles Curtis, George Homer, Arthur Homer, R W Winfield.

For

For the City and County of the City of Worcester.

George Anderton, Henry Douglas Carden, James Colville Clerk, John Mathew Gutch, William Henry Havergall Clerk, John Brook Hyde, John Whitmore Isaac, John Wheeley Lea, Thomas Henry Little, William Parry, Josiah Stallard.

For the County of Worcester.

John Anderson Ryall, George Hill Clifton Clerk, William Hancocks Wolverley, Charles Bedford Shrubbery House, Claines, Christopher Bligh Leigh, George M Forster Broadwas, Thomas Netherton, Harward Tything of Whistones, Charles Augustus Helm Saint Michael, George Hodgson Clerk Saint Clement, Alfred Catchmayd Hooper Worcester, William Laslett Abberton, John Parker Lark Hill, Worcester, Charles John Sale Clerk Holt, Henry Shuker Clerk Wichenford, Thomas Walker Abbots Morton, Reverend John Fielder Mackarness Tardebigg, Reverend William Villers Bromsgrove, Reverend Thomas Houseman Bromsgrove, George Horton Bromsgrove, Reverend William Morrell Lawson Yardley, George Richards Elkington Northfield, George Gibson Reeves Moseley, Reverend Henry Gwyther Yardley, Reverend George Dincley Peopleton Clerk, Reverend Benjamin Hemming of Pershore Clerk, Reverend Francis Best Flyford Flavel Clerk, Reverend Charles Herbert Parker Great Comberton Clerk, Reverend William Lister Isaac Pirton Clerk, John Phipps Bricklehampton, William Woodward Bredons Norton, William Laslett Abberton, Thomas Beckett Fielding Marriott Avon Bank, (Robert Scott Stourbridge, John Charles Adelyes Scott Stourbridge, John New, Oswald Cheek, Thomas White, J N Foster, Robert Blayney Evesham,) G Talbot junior Honeybrook, Kidderminster, W King Amblesate, Stourbridge, E Moore Halesawen, C Milward Bedditch, W Blair Collis Stourbridge, James Ewers Cradbury, W Orne Foster Hinley, Dudley, Honourable and Reverend William Henry Lyttelton Hagley, Francis Tongue Rufford Old Swinford.

For the Rest of the County of Wilts.

David Archer, Henry George Bailey Clerk, Thomas Barnes, William Codrington, Richard Canning, Samuel Canning, William Browne Canning, Thomas Dyke, Simeon James Eddy Clerk, Arthur Evans Clerk, John Harington Clerk, William Hewitt, Francis Hwer, James Byrt Jordan, John King, W. H M Light Clerk, William Large, George May Clerk, Edwin Meyrick Clerk, Neville Storey Maskelyne, Philip Pavy, James Pratt, Thomas Henry Stretten Clerk, John Simpson, Henry Stone, Thomas Strange, Henry Tarrant, Charles Orby Wombwell, Charles Anthony Wheeler, William Joseph Walker Clerk, Reverend William Collins Lukis Incumbent of Grafton, Reverend John Gore Incumbent of Shalbourne, Reverend David Morgan Incumbent of Ham, Richard John Sharps, John Ling, William Slater Crowdy Clerk, Edward Wetherell Rowden, John

Cap. 62. *Land Tax Commissioners Names.* 11 & 12 VICT.

John Martin, David Archer, John Archer, Alfred Southby Crowdy, Francis Crowdy, Charles Brooks, John Nash, Ambrose Willis.

For the County of Westmoreland.

William Tomlinson *Biggins House, Kirkby-Lonsdale*, Frederick John Morris *Lowfields, Kirkby-Lonsdale*, Reverend John Holme Abbott *Incumbent of Middleton, Kirkby-Lonsdale*, William Romaine Gregg *Kirkby-Lonsdale*, Humphrey A Gregg *Kirkby-Lonsdale*, Robert Lamplugh Greg *Kirkby-Lonsdale*, Thomas Fastham *Kirkby-Lonsdale*, William Thompson of Underley Hall, *Kirkby-Lonsdale*.

For the County of Anglesea.

Stephen Roose *Glanydon, Amlwch*, Reverend John Wynne Jones *Heneghoy, Reverend William James Poole Llangristiolus*, John Thomas Roberts *Ucheldre, Holyhead*, Michael Jones *Gevin, Llechgwenfarwydd*, Reverend John Griffith *Llanerchymedd*, Reverend Edward Herbert *Llandyfrydog*, John Hughes *Gaer, Llandyfrydog*, John Wynne Paynter *Maesyllwyn, Amlwch*, Reverend Henry Wynne Jones *Llantrisant Rectory*, Reverend John Williams *Rector of Rhoscotyn*.

For the County of Cardigan.

Reverend Peter Felix *Llamlar*, Reverend Lewis Evans *Llanfihangel-y-Croyddin*, Thomas Davies *Cardigan*, William G George *Cardigan*, Reverend Hugh Howell *Pencraig Clerk*.

For the County of Carmarthen.

Alfred Watney *Pontyberem, Llanelly*, David Parry *Llwynyfilltir, Llandeveylog*, Martin Griffiths *Eaglesbush, Llangendeirn*, John Rice Williams *Danybank, Llanelly*, Morgan Williams *Llanelly*, James Buckley *Penysai, Llanelly*, Richard Thomas Howells *Llanelly*, Thomas Morgan *Clerk Llangennech*, Henry Williams *Clerk Llanedy*, John Evans *Pantydwr, Llanedy*, Evan Evans *Llandebie*, James Richard Griffiths *Clerk Parsonage House, Cwmaman*, Richard Perkins *junior Cwmaman*, Richard Nevill *junior Llangennech Park*, William Rees *Maesardaven, Llanelly*, Lewis Jones *Derwidd, Llandebie*.

For the County of Denbigh.

Alexander Reid *Llantysilis Hall*, Francis Pinney *Tyndor, Llangollen*, Richard Steele Perkins *Chirk*, Andrew Stuart *Llangollen*, John George Edmund Lockett *Penybryn, Llangollen*, Reverend David Jones *Llanarmon Dyffryn Ceiriog Clerk*, Reverend David Roberts *Llangedwin Clerk*, John Hamer *Glanrafon*, Robert Maurice Bonnor Maurice *Bodyusol Hall*, Lloyd Hesketh Bamford Hesketh *Gwyrch Castle*, John Davies *Glanaber*, John Hughes *Pen-y-bont*, John Miller *Abergele*, Reverend James Meredith *Abergele Clerk*, Thomas Oldfield *Farm*, Reverend Robert Phillips *Clerk Bettus*, Robert Anwyl *Bodgunerch*, Robert Jones *Brynffanygl*, Reverend John Jones *Clerk Saint George*, Edward Lloyd *Cefu*, Robert Howard *Wygfair ucha*, John Crosbie

Crosbie *Glan Llyn*, John Hughes *The Cottage*, Reverend Edward Lloyd Jones *Clerk Llangernieu*, Pierce Wynne York *Dyffryn-aled*, Reverend Peter Williams *Clerk Llansannan*, Reverend John Jenkins *Clerk Gwytherin*.

For the County of Flint.

George Potts Roskell *Stockyn*, Edward Bate *Kelsterton*.

For the County of Glamorgan.

David Evans *Merthyr Tydfil*, Edward Morgan *Merthyr Tydfil*, David Parry Thomas *Clerk Caerphilly*.

For the County of Merioneth.

Thomas Jones *Coesfair*, William Jones *Glandur*, Owen Williams *Hendreforion*, Reverend Hugh Roberts *Borthwen*, Evan Lloyd *Barmouth*, Robert Griffiths *Ysbonig*, William Meredith *Barmouth*, David Anwyl *Glandur Mill*, William Lewis Owen *Egryn*, John Carson *Egryn*, Richard Humphreys *Freldef*, G Jones *Penrallt*, William Pugh *Caenest*, Edward Edwards *Caer Cethen*, Maughan *Hendrefechan*, William Williams *Caegronno*, Reverend John Jones Brown *Harlech*, Robert Lloyd *Festiniog*, Lewis Lloyd *Tyddynissa*, William Wynn Williams *Bron Eryri*, Reverend Henry Wire White *Rector Dolgelley*, Watkin Anwyl *Dolgelley*, Robert Jones *Dolgelley*, Lewis Jones *junior Dolgelley*, William Williams *Ivyhouse Dolgelley*, Evan Williams *Bronygader*, *Dolgelley*, Griffith Jones Williams *Dolgelley*, Edward Walker *Dolgelley*, Lewis Oliver *Dolgelley*, William Griffith *Fron*, *Dolgelley*, John Jones *Froheulog*, *Dolgelley*, David Evans *Dolgelley*, George Phillips *Clerk Llanfachreth*, Thomas Jones *Clerk Glanywern*, Llangelynin, Robert Ellis Pring *Clerk Cottage*, Tanyllyn, John William Rowlands *Geüvern*, David Jones *Crymllwyn*, Evan Evans *Tymawr*, Reginald Fawden *Arthog*, Joseph Fawden *Arthog*, Reginald Fawden *junior Arthog*, William Fawden *Arthog*, Richard Price *Dolagwyn*, David Davies *Cefnlllygodig*, Griffith Williams *Fronunion*, *Dolgelley*, Lewis Williams *Fronunion junior Dolgelley*, Charles Williams *Fronunion*, *Dolgelley*, Edward Owen *junior Plastrith*, *Dolgelley*, Thomas Beddoes *Brynymor*, David Davies *Abercorrys*, David Davies *Clerk Pennal*, Edward Owen *Pantphylip*, David Lloyd *junior Pant*, John Lloyd *Pant*, Sir Robert Williams Vaughan *Baronet Rug*, Corwen; John Qwen *Penybont*, Corwen.

For the County of Montgomery.

Maurice Lloyd Jones *Welshtown*, Charles Vaughan Pugh *Llanerchydol*, John Cadwallader Pugh *Llanerchydol*, David Jones *Coffronydd*, Pryce Lloyd Turner *Llwynderw*, John Heyward Jenkins *Crosswood*, Joseph Gill *Penylan*, Francis Mills *Hendrehene*, Edward Salisbury Rose Trevor *Rhusnant*, Milward Edward Dovaston *Llandrinia*, William Rodenhurst *Penthrryn*, Charles Lloyd Jones, *Garthllwyd*, Reverend E J Lloyd *Llanerfyl*, Edward Vaughan Owen *Llanfair*, John Thomas Devereux *Brynglas*, Charles Lloyd Tamberlain Court *Calmore*,

Calmore, Reverend R M White Churchstoke, Richard Jones Rock, Newtown, Pryce James Drew Milford, William Lutener the younger Dolerw, Newtown, Thomas Lutener Dolerw, Newtown, Arthur Thomas Morley Newtown Hall, Reverend John Edwards Newtown Rectory, Evan Williams Newtown, Reverend William Morgan Vicar of Kerry, Reverend Alfred Hensley Curate of Kerry, Edward Davies Snowfield, Kerry, Edward Allen junior Twll, Kerry, Thomas Matthews Yewtree, Kerry, Walter Long M.P. Dolvorgan, Kerry, John Naylor Brynllwarch, Kerry, John Whittingham Ilandrinio.

For the County of Pembroke.

William Lewis, Robert Harris, William Davies, Thomas Davies *Cardigan*, Benjamin Evans *Cidigill*, Thomas Jones *Trefach*, Henry Sanders *Tenby*, William Jones *Tenby*, William Malcolm Harries *Tenby*, William Walhinton *Tenby*, John Henry King *Tenby*, Nicholas John Dunn *Tenby*, William Lock *Tenby*, Cabot Kynaston *Tenby*, Richard Nash *Tenby*, Henry Richards *Tenby*, Charles James Richards *Tenby*, John Bowers *Tenby*, Adrian Nicholas James Stokes *Saint Botolphs*, John Stokes *Coffern*, George Augustus Harries *Hilton*, John Phillips, Allen Phillips *Dale Castle*, Robert Bowlas Child *Newton*, James Thomas *Haverfordwest* Clerk, James Morgan *Johnston Hall* Clerk, John Evans *Studdn*, John Higgon *Haverfordwest*, William B Thomas *Steynton* Clerk, Owen Hill Harries *Oriskilly*, George Harries *Trevaccoon*, Samuel Harris *Trevaccoon*, Cecil Anson Harries *Llanomwas*, Evan Davies Evans *Mallery Vicarage* Clerk, Thomas Llewellyn *Tregwint*, Thomas Watts *Haverfordwest* Clerk.

For the Town and County of the Town of Haverfordwest.

John Evans, Henry George Fownes, George Rock, Butter Hill, Joseph Tombs, George Parry, Jonathan Rogers Powell, Henry Mathias, William Warlow, Thomas Watts *Clerk*, Amos Crymes *Clerk*, George Rowe, James Thomas *Clerk*, William Butler, William Owen, Charles Prust, John Walker Owen, James Summers, George Llarhelling Millard, George Phillips, William Walters, Thomas Lloyd *Glanufa*.

For the Shire of Edinburgh.

W H Keith Dick Cunynghame *younger Prestonfield*, James Cochrane *Harburn*, Alexander M'Neel *House of Muir*, Sir Alexander Charles Gibson Maitland *Cliftonhall* Baronet, John Marshall *Curriehill* Advocate, John Marshall *younger Curriehill*, Doctor Thomas Graham Weir *Pollcross*, Alexander Cochrane *Ashkirk and Lenkfield*.

For the Shire of Haddington.

Honourable James St. Clair, John Richard Anderson *Whitburgh*, Andrew Tawse *Nether Leaston*, John Tawse *younger Nether Leaston*, John Wardrop Tawse *younger Stobshiel*, Thomas Griffies Dixon *Woodcot*, George More *Kirkland*, Robert Brown *younger Gilston*.

For

For the Shire of Berwick.

Honourable Francis Wemyss Charteris Douglas *commonly called* Lord Elcho, *Honourable* John Home Hume Cust *commonly called* Lord Alford, *Honourable* Sholto John Watson Douglas *commonly called* Lord Aberdour, *Rear Admiral the Honourable* Sir Anthony Maitland, *Honourable* William Scott, *Honourable* Francis Scott, *Honourable* James St. Clair, *Honourable* Charles Alexander Home *commonly called* Lord Dunglas, Sir Hugh Hume Campbell *Baronet* Marchmont, Sir George Augustus Frederick Houston Boswall *Baronet* Blackadder, Sir John Hall *Baronet* Dunglass, Sir John Pringle *Baronet* Stitchell, Sir George Grant Suttie *Baronet* Balgone, Sir Samuel Stirling *Baronet* Glorat, Sir Thomas Buchan Hepburn *Baronet* Smeaton, Sir William Majoribanks *Baronet* Lees, Sir Charles Forbes *Baronet* New and Edinlassie, Sir George Warrender *Baronet* Lochend, Sir Samuel Brown *Netherbyres*, Sir John Buchan K.C.B. Reedyloch, Sir William Keir Grant K.M.J. Blackburn, Sir George Baillie Hamilton *Rumbeltonlaw*, Captain Sir Thomas Maitland R.N., Alexander Allan *Allanbank*, Allan *younger* Allanbank, Joseph Allan *Quixwood*, Thomas Allan *Slighhouses*, John Allan *younger* Slighhouses, David Wardlaw Brown *Longformacus*, Charles Balfour *Balgonie and Newton Don*, Robert Brown *Gilston*, Robert Brown *younger* Gilston, George Baillie *Jerviswoode*, George Baillie *younger* Jerviswoode, Charles Baillie, Captain Robert Baillie, Captain John Baillie, George Buchan *Kelloe*, John Borthwick *Crookston*, Borthwick *younger* Crookston, George Bell *Ninewar*, Major David Brown *Park*, David Brown *younger* Park, James Maitland Balfour *Whittingham*, William Broomfield *Old Greenlaw*, Carlyle Bell *Writer to the Signet*, David Braidwood, *Fulfordlees*, James Curle *Evelaw*, Alexander Curle *younger* Evelaw, Archibald Christie *Baberton*, James Auchinleek Cheyne *Oxendean*, James Carnagie *New Edrom*, John Smith Cunningham *Caprington*, William Dickson *Whitecross*, John Dickson *Peelwalls*, John Dunlop *Mayfield*, John Renton Dunlop *younger* Mayfield, George Alexander Dickson *Belchester*, John Dudgeon *Berrybank*, George Dods *Baronside*, Anthony Dickson *Edrington*, David Dewar *Flemington*, James Dickson *Castlelaw*, Henry Home Drummond, *Blair Drummond*, George Home Drummond *younger* Blair Drummond, James Erskine *Shielfield*, *Netherhuntly Wood and Huntly*, Adam Fairholm *Chappel*, Fairholm *Greenknow*, Forster *Whitsonhill*, George France *Silverwalls*, John Gott *Leeds*, James Greig *Eccles*, George Greig *younger* Eccles, John M'Lean, M'Kenzie Grieve *Hutton Hall*, James Gilfillan *Cawden Knows*, William Foreman Home *Wedderburn, Billie and Paxton*, William Hay *Dunse Castle*, William James Hay *younger* Dunse Castle, Joseph Hume *Horndean*, Joseph Hume *younger* Horndean, James Haig *Bemersyde*, Robert Hay *Linplum*, William Waren Hay *Blackburn*, Lieutenant General James Home *Broomhouse*, Colonel John Home Home *Bassendean*, Abram Home *Gunsgreen*, George Home *younger* Gunsgreen, John Castell Hopkins *Rowchester*, James

James William Hunter *Thurston*, William Home *Fairlaw*, William Hood *Sunnyside*, John Hood *Stoneridge*, Hood *younger Stoneridge*, John Hunter *Stoneshiel*, William King Hunter *Pilmuir*, Henderson *Press*, Robert Home *Coldinghamlaw*, Richard Hewat *Birkhillside*, James Herriott *Herriotbank*, James Hall *younger Dunglas*, Matthew Dysart Hunter *Antonshill*, William Mitchell Innes *Ayton*, Alexander Mitchell Innes *younger Ayton*, George Jeffreys *Sunwick*, James Kemp *Hallydown*, William Compton Lundi *Spittal*, Robert Logan *Burnhouses*, Abram Logan *younger Burnhouses*, Captain George Logan *R.M. Edrom*, David Low *Whitsomlaw*, George Dick Lander *Huntlywood*, Edwin Sandys Lumsdain *Blanerne*, Sandys Lumsdain *younger Blanerne*, Alexander Mitchell *Stow*, Stewart Majoribanks *London*, Patrick Murray Swinton *Quarter*, Doctor Alexander Monroe *Craiglochart*, Captain Alexander Monroe *younger Craiglochart*, Archibald Meikle *Flemington*, James Macbrain *Broadmendows*, David Milne *Milne Graden*, Captain Alexander Milne *R.N.*, William M'Intyre *Templehall*, Robert Nisbet *Mersington*, Nisbet *younger Mersington*, Robert Nisbet *Lambden*, John Nisbet *Shawbraes*, William Ogilvie *Chesters*, James Jeffreys Oswald *Edrington Castle*, James Pringle *younger Stitchell*, Captain John Home Purves *Purveshall*, Frederick Lewis Roy *Nenthorn*, Roy *younger Nenthorn*, John Campbell Renton *Lamberton*, James Renton *Greystonlees*, Charles Riddell *Dryburgh*, Riddell *Camieston*, David Robertson *Ladykirk*, Robertson *younger Ladykirk*, John Spottiswoode *Spottiswoode*, Captain Andrew Spottiswoode *younger Spottiswoode*, William Scott *Raeburn*, George Swinton *Swinton*, William Adair Somerville *Airhouse*, William Archibald Smail *Overmains*, Colonel George Spottiswoode *Gladswode*, Alexander Spittal *Justicehall*, Peter Sheriff *Bastleridge*, Charles Francis Stuart *Raeburn*, Henry Kerr Seymour *Handford*, Alexander Thomson *Whiterig*, Alexander Thomson *Grueldykes*, Thomas Trotter *Dewar*, Richard Trotter *Mortonhall*, John Trotter *Cattleshiel*, Robert Tait *Pirn*, Tait *younger Pirn*, George Taitt *Langrig*, George Turnbull *Abbey St. Bathans*, John Turnbull *younger Abbey St. Bathans*, Thomson *Overhowden*, Thomas Tod *Drygrange*, John Tawse, John Wilkie *Foulden*, George Wilson *Georgefield*, William Weatherley *Monymut*, James Weatherley *younger Monymut*, John Wilson *Curnlege*, Lieutenant Colonel John Warrender *Wellwood*, *Foleyhills*, Captain James Wood *R.M. Nunlands*, the Sheriff of Berwickshire, the Sheriff Substitute of Berwickshire, the Chief Magistrate of the Royal Burgh of Lauder for the Time being.

For the Shire of Roxburgh.

The Honourable William Frederick Campbell *younger Hartrigg*, William Scott *younger Ancrum*, William Francis Augustus Elliot *younger Stobs and Wells*, Walter Francis Lockhart Scott *Abbotsford*, James Dickson *Chatto*, Archibald Dickson *the younger*, William Claude Elliott *younger Clifton*, William Keir *Whithaugh*, Robert Shortreed *younger Dunshill*, *Honourable* John Chetwynd Talbot *Bonjedward*, John Grainger *residing at Harestanes*, John Jardine

Jardine *Thorlishope*, James Jardine *Larrieston*, John Oliver *Overton Bush*, James Mein *Hunthill*, Andrew Whitelock Mein *Hunthill*, James Paton *younger Crailing*, John Rutherford *Kelso*, Thomas Rutherford *Fairmington*, Henry Rutherford *younger*, Ralph Nisbet *Mainhouse*, Adam Patterson *Whitlaw*, Lieutenant General Alexander Duncan *Guttorinde*, Andrew Duncan *younger Guttorinde*, William Richardson Dickson *Alton*, William Turnbull *Merrylaw*, Charles Balfour *Newton Don*.

For the Shire of Selkirk.

Thomas Gibson *Trinlyknowe*, Thomas Gibson *younger Trinlyknowe*, John Staverl *Hoxoat*, Honourable Montolieu Fox Murray *commonly called the Master of Oliphant*, James Johnstone *younger of Alva*, Honourable William John Napier *commonly called Master of Napier*.

For the Shire of Peebles.

John Ballantyne *Woodhouse*, George Robert Beresford *Macbiehill*, Anthony Nichol *Glenbreck and Riggs*, George Graham Bell *Hawkshaw*, Badlieu, *Glencraigo, and Tweedhopefoot*, Thomas Graham Bell *younger Hawkshaw*, Badlieu, *Glencraigo, and Tweedhopefoot*, Houston Mitchell *Polmood*, James Nasmyth *younger Posso*, Colin James Mackenzie *younger Portmore*, Alexander Balfour Kerr Williamson *Cardrona*, William Allan Woddrop *Garvaldfoot*, John Dickson *younger Kilbucho and Hartree*, James Tweedie *younger Quarter and Rachan*, Welsh *younger Earlshaugh*.

For the Shire of Lanark.

Sir Thomas Montgomery Cunningham *Corsehill and Kirktonholm* Baronet, Sir John Maxwell *Pollok* Baronet, Sir Thomas Edward Colebrooke *Crawford* Baronet, Sir Archibald Islay Campbell *Succoth* Baronet, Windham Carmichael Anstruther *younger Anstruther and Carmichael*, Robert Sprout *Crawford Aitchison* Alexander *Airdriehouse*, Stephen Anderson *Carfin*, John Robertson Aikman *Ross*, James William Baillie *younger Culterallers*, William Bertram *Nisbet*, David Carrick Robert Carrick *Buchanan, Drumpellier*, John George Chancellor *Shieldhill*, John Craig *Udstone*, William Craig *Burnbrae*, John Campbell *Possil*, James Dunlop *Clyde Ironworks*, William Smith Dixon *Mauldslie*, Mathew Dick *Meikle Earnock*, Andrew Galloway *Sandyhills*, William Henderson *Eddlewood*, William Wallace Hozier *younger Newlands*, John Basil Hamilton *Montgomery Newton*, John Meek *Fortisset*, Henry Du Vernet Grosset *Muirhead Braidiesholm*, John Maxwell *Baillieston*, Hugh Mosman *younger Auchtyfardle*, William Gillespie Mitchell *Carwood*, John Marshall *Machan*, John Wardrope Muir *Greenhall*, John Marshall *Chapelton*, Henry Mac Call *younger Daldowie*, John Mare Nisbet *Cairnhill*, Hugh Robertson *younger Garloch*, Alexander Rowand *younger Lenthouse*, James Thomas Rankin *younger Mairsbank*, David Robertson Souter *Lindsaylands*, John Wilson *Arden*, John Wilson *younger Arden*, William Edward Hope Vere *Blackwood*.

For the Shire of Dumfries.

Right Honourable Viscount Drumlanrig, Sir John Heron Maxwell *Springkell* Baronet, Sir Alexander Grierson *Lagg* Baronet, Alexander Jardine *younger* Applegirth, Alexander Renton Sharpe *Hoddam*, Lieutenant Colonel Thomas Johnston *younger* Carnsalloch, John Laurie *Maxwelton*, William Francis Carruthers *younger* Dormont, John Murray *younger* Murraythwaite, George Armstrong *Castlemills*, David Dalzell *Glenae*, David Sandeman *Kirkwood*, James Grierson *Capenoch*, Alexander Maxwell *Glengaber*, Andrew Pringle *Lann* M.D., Hugh Corrie *younger* Steelston, John Gilchrist Clark *Speddoch*, James Johnstone *Grange*, Charles Brodie *Bush*, John Moffat *Preston House*, Andrew Jardine *Lanrick Castle*, John Hetherton Carruthers *Denbie*, John Stott *Netherwood*, James Armstrong *Dunesslin*, John Harley Maxwell *younger* Portrack, John Leadbetter *Shaws*, William Jardine *younger* Granton, William Francis Hunter Arundell *Barjarg*, John Jackson *Amisfield*, James M'Kune *Netherwood*, William Patterson *younger* Bucklehust, Thomas Simson *Dalaroody*.

For the Shire of Wigtown.

William Henry Stopford Blair *Penninghame*, Robert Adamson *Polbae*.

For the Stewartry of Kirkcudbright.

James Andrew *Blairinnie*, James Armstrong *Marwhim*, Thomas Biggar *Crochmore*, George Bruce *Slogarie*, Sir William Gordon *Letterfourie*, Walter Farquhar Johnston *Garroch*, John M'Queen *Crafts*, Samuel Macadam *Shalloch*, Charles Lionel Maitland Kirwan *Auchlane*, Francis Maxwell *Drumpark*, Sir William Miller *Glenlee*, David Maitland *Barcaple*, Archibald Christie Sanderson *Glenlaggan*, Robert Weems *Kirkennan*, Robert Maxwell Witham *Kirkconnell*.

For the Shire of Ayr.

Alexander Wylie *Halkit*, Robert Duncan *Brockelmuir*, Robert Reid *Balgroy*, James Macalester *Chapelton*, James Morton *Belmont*, Reverend John Crabb Blair Warren *Giffordland*, John Hoggarth Young *Milgarholm*, John Crichton *Linn*, Robert Robertson *Saint Ninian*, Alexander Oswald M.P., *Right Honourable* Patrick James Herbert Crichton Stuart *commonly called Lord James Stuart M.P.*, *Honourable* Edward Pleydell Bouverie M.P.

For the Shire of Dumbarton.

Right Honourable Charles Stuart *Lord Blantyre*, Sir James Colquhoun *Lüss* Baronet, Sir Archibald Kay Campbell *Succoth* Baronet, Robert Spreul Crauford Aitchison Alexander *Airdrie*, George Buchanan *Arden*, Andrew Buchanan *Auchintorlie*, John Buchanan *Carbeth*, Thomas Graham Buchanan, James Gray Buchanan *Ardoch*, Thomas Buchanan *younger Ardoch*, John Bartholemew *Broomhill*, William Bontine *Ardoch*, John Campbell Colquhoun *Killermont*, Colin Campbell *Peatoun*, John Campbell Colquhoun *Milligs*, Alexander Campbell *Bedlay*, Colin Campbell *Colgrain*,

Colgrain, Colin Campbell *younger Colgrain*, Arthur Campbell *Condonat*, William Campbell *Tillichewan*, James Campbell *younger Tillichewan*, Alexander Campbell *Barnhill*, Neil Colquhoun Campbell *younger Barnhill*, Humphrey Walter Campbell *College Park*, Walter Duncan *Bogedge*, William Dunn *Duntocher*, John Campbell Douglas *Mains*, Alexander Dunlop *Advocate*, Walter Dickson *Writer to the Signet*, James Robert Dennistoun, Alexander Dennistoun *Muckcroft*, James Duncan *Auchindavie*, Thomas Duncan *Twechar*, Thomas Duncan *Dullatur*, John Duncan *Twechar and Badenheath*, Robert Buchanan Dunlop *Drumhead*, James Donaldson *Keppoch*, James Dalrymple *Woodhead*, *Honourable* Mountstuart Elphinstone, William Ellis, James Ewing *Strathbeven*, John Orr Ewing *Arden*, John Freeland *Wester Mains*, John Elphinstone Fleeming *Cumbernauld*, Robert Findlay *Battunich*, John Murray Gartshore *Gartshore*, Robert Cunningham *Cunninghame*, Graham *Gartmore*, Henry Glassford *Douglastone*, William Graham, John Edward Geils *Dumbuck*, James Gray *Auchingeich*, Robert Gray *Bedcow*, James Hamilton *Barns*, James Hozier *St. Enoch's*, Robert Muirhead *Kirkwood Waterhead*, William Kippen *Westerton*, John Lennox Kincaid *Lennox Kincaid and Woodhead*, John Cunningham *Leny Gartocham*, Henry Monteith *Carstairs*, Robert Duncanson Mackenzie *Caldarroan*, William M'Allister *Auchincarroch*, James Macnair *Auldmarroch*, Alexander M'Grigor *Woodilee*, Walter M'Indoe *Shanaglis*, William M'Farlane *Shirva*, Major John Orr *Dullatur*, Alexander Smollett *Bonhill*, John Ferguson Sharpe *Orchardtown*, Alexander Grahame Speirs *Culcreuch*, Gibson Stott *Balloch Castle*, Walter Stewart *Balloch*, Robert Napier Sharpe *Kilmaheo*, John Ferguson Sharpe *younger Orchardtown*, John Tait, William Wallace *Auchimole*, Andrew Buchanan Yuille *Darlieth*.

For the Shire of Renfrew.

Sir Hew Crawford Pollock *Upper Pollock* Baronet, Sir Archibald Islay Campbell *Succoth* Baronet, Robert Brodie *Norvalstone*, Andrew Buchanan *Hillington*, William Cunningham *Bontine Ardoch*, James Dennistoun *Dennistoun*, William Dixon *Govanhill*, John Gordon *Aikenhead*, James Maxwell Graham *Williamwood and Bogtoun*, John Hamilton *younger Greenbank*, John Henderson *Park*, William Mure *younger Caldwell*, John Mair *late of Plantation*, Alexander M'Culloch *Craigbeat*, Robert J Milliken Napier *younger Napier*, Allan Pollock *younger Faside*, Arthur Pollock *Lochlibo*, Archibald Smith *younger Jordanhill*, John May Sommerville *Broadfield and Broomrigs*.

For the Shire of Stirling.

John Murray *Touchadam*, David Steuart *Steuart Hall*, James Graham Adam *Denovan*, William MacLachlan *Auchintroig*, Henry Ritchie Cooper *Ballindalloch*, James Smith *Polmont House*, Sir Alexander Gibson Maitland *Clifton Hall*.

For the Shire of Perth.

Alexander Alison *Blair Logie*, James Vaughan Allen *Inchmartin*, James Beveridge *Easter Deuglie*, John Harvie Brown

Shiergarten, George Spankie Mitchell Burden Feddal, Sir David Baird Newbyth, Baird younger Newbyth, James Brugh Cloan, James Brugh younger Cloan Colquhoan younger Clathie, John Livingston Campbell Achalader, James Nicoll Constable Balmyle and Cally, George Nicoll Constable younger Balmyle and Cally, George Condie younger Whitehill Struie, Maurice Craigie Dunbarnie, George Constable Waterybutts, John Cunningham Huntingtower, Sir David Dundas Ochertyre M.P., William Dick Tullymet, John Stewart Drummond Braco, Robert C C Graham Gartmore, Oliver Graham Meiklwood, Captain John George Graham Coldoch R.N., William Geekie Gartloch, John Gardiner Rotearns, Robert Haig Wester Glenshenuss, Archibald Horne Balvarran, David Henderson Gattaway, William Henderson Mylnefield, John Hutchison Ashmore, Andrew Jardine Lanrick, Robert Landale Pitmeddan, William Marshall Callendar, W.S., Robert Graham Moir Leckie, Patrick Murray younger Ochertyre, Anthony George Murray younger Dollerie, James Maxtone Cultoquhey, Reverend Alexander Maxtone Ardbennie, William Marshall Gartchonzie, Robert Scott Moncrieff Fossnquhey, Robert Menzies Dalnagairn, Alexander Mitchell Hencairing, William Macdonald Macdonald Saint Martin's, James Macewan Tar, John Macqueen Burnhead, John M'Intosh Lenochmore, Doctor John Mac Gregor Fonab, John Nicoll younger Feu, John Meliss Nairne Dunsinane, Lieutenant Colonel John Pennycook Soilerzie, William Peddie Blackruthven, James Playfair Westfield, Charles Playfair Wester Denhead, William D Proctor Glenkilrie, George Paterson Castle-huntly, John Davie Morris Stirling Gogar, James Speid Forneth, Robert Spiers Culdees, William Smythe Methven, Patrick Brugh Smeatton Coul, Patrick Brugh Smeatton younger Coul, William Thomson Balgowan, William S Turnbull Huntingtower, David Urquhart Gartchonzie, Adam L Wardlaw Fordell, Robert Peddie younger Blackruthven.

For the Shire of Aberdeen.

Alexander Anderson Candaraig, Charles Gordon Fyvie, Peter Ettershank Gordon Mosstown, William Gibson Easter Kimmundy, James Michael Leslie Balquhain, Hugh Leslie Powis, Reverend Duncan Mearns Disblair D.D., Crawford Noble Cocklaw, Robert Smith Glenmillan, William Stephen Kimmundy, Robert Still Millden, William Yeats Auguharney.

For the Shire of Nairn.

Lieutenant General Sir Henry Frederick Campbell K.C.B., Thomas Trotter Writer to the Signet, Arthur Forbes Culloden, John Gordon Chury, Honorable William Howard, Honorable George Pryse Campbell Captain R.N., William Brodie Brodie, Sir William Gordon Gordon Cumming Baronet, John Lachlan M'Gillivray Dunmaglass, George Mackintosh Geddes, Reverend James Grant Nairn, James Augustus Grant Viewfield, John Baillie Rose Rilravock James Campbell Brodie Lethen, Reverend Alexander Rose D.D. Inverness, Sir Frederick William Dunbar

Boath Baronet, John Dougal Glenferness, the Sheriff and Sheriff Substitute of the County of Nairn, the Provost, Senior Bailie, Dean of Guild, and Treasurer of the Burgh of Nairn, and the Baron Bailies of Carrdor, all for the Time being.

For the Shire of Fife.

R J Aytoun younger Pourin, Alexander John Anderson younger Montrave, Charles Balfour Balgonie, Alexander Bethune Blebo, Allan Briggs Gordonshall, David Cook Carphin, Charles Julian Maitland Crichton younger Rankeilour, George Campbell younger Edenwood, Alexander Cheape Lathochar, Thomas Graham Dundas Rossend, William R Fortune Muircambus, George Mercer Henderson Fordel, John Inglis Ballenkirk, James Inglis Kirkmay, Alexander Johnston Foxton, Alexander Hyd Lindsay Balmungo, Alexander Lawson Burnturk, James Lindsay Feddinch, Captain James Maitland Grange R.N., George John Whyte Melville younger Bennoch and Strathkinness, James G M'Kenzie Forret, James Newton Castlandhill, Captain James Townsend Oswald Dunnikier, William Lindsay Paterson Cannoquhie, Alexander Russell Kenlygreen, Alexander Russell younger Myrecairnie, James A Stewart Carnock, William Scott Dalgairn, William Sievewright Greenside, John Anstruther Thomson Charleton, Alexander Watson Wemyss Denbrae, Thomas Whitson Fingask.

For the Shire of Forfar.

Alexander Lyall younger Gardyne, Honorable Stuart Wortley eldest Son of Lord Wharncliffe, Sir James Campbell Stracathro, James Alexander Campbell younger Stracathro, William Kennedy Erskine Dun, James Carnegie younger Southesk, Peter Bairnsfather Dumbarrow, Robert Eglinton Charlton, William Macdonald Macdonald Rossie, John Watt, Easter Meathie, William Kerr Finlarg, Barrow Graham Ballindarg, George Ramsay Ogilvy Westhall Advocate, Thomas Robertson Chaplin Colliston, Colin Symers Eassie, Patrick Hunter Thoms Aberlemno, James Nicholl Kinclune, Peter Bell Balconnell, John Skair Lunanbank, Oliver Gourlay Miller Pittendriech, Andrew Whitton Couston.

For the Shire of Sutherland.

James Matheson Achany, Daniel Gilchrist Ospisdale.

For the Shire of Caithness.

George Sutherland Forse.

For the Stewartry of Orkney and Zetland.

Robert Bell Lunna, David Dacres Black Kergord, Robert Neven Spence Windhouse, Robert John Thomas Spence younger Windhouse.

II. And be it enacted, That all the Powers, Authorities, Provisions, Matters, and Things contained in the said recited Act passed in the Seventh and Eighth Years of the Reign of His Majesty King George the Fourth, and in the said several recited

Powers of former Acts extended to this Act

Acts, and in any other Act in force in relation to any Acts, Matters, and Things to be done by Commissioners of Land Tax, shall extend to this Act, and to the Commissioners named therein, and shall be construed therewith, as fully and effectually to all Intents and Purposes whatsoever, as if the same had been severally and separately repeated and re-enacted in this Act, and made Part thereof.

CAP. LXIII.

An Act for promoting the Public Health.

[31st August 1848.]

Parts to which
this Act may be
applied.

‘ **W**HEREAS further and more effectual Provision ought to
‘ be made for improving the sanitary Condition of Towns
‘ and populous Places in *England* and *Wales*, and it is expe-
‘ dient that the Supply of Water to such Towns and Places, and
‘ the Sewerage, Drainage, cleansing, and paving thereof, should,
‘ as far as practicable, be placed under one and the same local
‘ Management and Control, subject to such general Supervision
‘ as is herein-after provided:’ Be it therefore enacted by the
Queen’s most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons,
in this present Parliament assembled, and by the Authority of
the same, That this Act may from Time to Time be applied, in
manner herein-after provided, to any Part of *England* and *Wales*,
except the Parts next herein-after mentioned; (that is to say,)
the City of *London* and the Liberties thereof, the Parts within
the Limits of certain Commissions of Sewers bearing Date at
Westminster the Thirtieth Day of *November* in the Year of our
Lord One thousand eight hundred and forty-seven, also the
Parts within the Limits of a certain other Commission of Sewers
bearing Date at *Westminster* the Fourth Day of *December* in the
Year last aforesaid, and the Parts subject to the Jurisdiction
of the Commissioners acting in the Execution of an Act of the
Fifth Year of the Reign of King *George* the Fourth, for (amongst
other things) more effectually paving, lighting, watching, cleans-
ing, and regulating the *Regent’s Park*, and in the Execution of
the several Acts for extending the Jurisdiction of such Commis-
sioners.

Interpretation
of Terms :

II. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context or Subject Matter in which such Words or Expressions occur; (that is to say,)

“ Number : ”

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :

“ Gender : ”

Words importing the Masculine Gender shall include Females :

“ Person : ”

The Word “ Person ” and Words applying to any Person or Individual shall apply to and include Corporations, whether aggregate or sole :

The

The Word "Lands" and the Word "Premises" shall include
Messuages, Buildings, Lands, and Hereditaments of any
Tenure :

"Lands :"
"Premises :"

The Word "Owner" shall mean the Person for the Time
being receiving the Rack Rent of the Lands or Premises
in connexion with which the said Word is used, whether
on his own Account or as Agent or Trustee for any other
Person, or who would so receive the same if such Lands or
Premises were let at a Rack Rent :

"Owner :"

The Expression "Rack Rent" shall mean Rent which is not
less than Two Thirds of the full net annual Value of the
Property out of which the Rent arises ; and the full net
annual Value shall be taken to be the Rent at which the
Property might reasonably be expected to let from Year
to Year, free from all usual Tenant's Rates and Taxes, and
Tithe Commutation Rent-charge (if any), and deducting
therefrom the probable average annual Cost of the Repairs,
Insurance, and other Expenses (if any) necessary to maintain
the same in a State to command such Rent :

"Rack Rent :"

The Word "Month" shall mean Calendar Month :

"Month :"

The Expression "Commissioners of Her Majesty's Treasury"
shall mean the Commissioners of Her Majesty's Treasury
of the United Kingdom of *Great Britain and Ireland* for
the Time being, or any Three or more of them, or the Lord
High Treasurer of the United Kingdom of *Great Britain*
and *Ireland* for the Time being :

"Commis-
sioners of the
Treasury :"

The Expression "Superior Courts" shall include Her Ma-
jesty's Superior Courts of Record at *Westminster*, and the
Court of Common Pleas of the County Palatine of *Lan-*
caster, and the Court of Pleas of the County of *Durham* :

"Superior
Courts :"

The Word "Justice" shall mean any Justice of the Peace
acting for the Place in which the Matter or any Part of the
Matter, as the Case may be, requiring the Cognizance of
the "Justice" arises :

"Justice :"

The Expression "Two Justices" shall mean Two or more
Justices assembled and acting together in Petty Sessions,
or One Stipendiary or Police Magistrate acting in any
Police Court, for the Place in which the Matter or any
Part of the Matter, as the Case may be, requiring the
Cognizance of "Two Justices" arises :

"Two Jus-
tices :"

The Expression "Court of General or Quarter Sessions" shall
mean the Court of General or Quarter Sessions of the Peace
having Jurisdiction over the whole or any Part of the Dis-
trict or Place, as the Case may be, in which the Matter
requiring the Cognizance of the "Court of General or
Quarter Sessions" arises :

"Court of
General or
Quarter Ses-
sions :"

The Word "Arbitrators" shall include a single Arbitrator ;
and the Words "Arbitrators" and "Arbitrator" shall
include an Umpire :

"Arbitrators :"

The Word "Oath" shall mean and include an Affirmation in
the Case of Quakers, and a Declaration in the Case of

"Oath :"

Persons allowed by Law to make a Declaration in lieu of an Oath :

" Corporate Borough : "

5 & 6 W. 4. c. 76.

The Expression " Corporate Borough " shall mean any Corporate Borough mentioned in the Schedules annexed to an Act passed in the Sixth Year of the Reign of King *William the Fourth*, intituled *An Act for the Regulation of Municipal Corporations in England and Wales*, and any Borough incorporated by Charter granted or to be granted in pursuance of that or any subsequent Act :

" District : "

The Word " District " shall mean the entire Area, Places, or Parts of Places comprised within the Limits of any District to which this Act or any Part thereof shall be applied by Order in Council or Provisional Order of the General Board of Health, sanctioned by Parliament :

" Corporate District : "

The Expression " Corporate District " shall mean a District in which the Powers, Authorities, and Duties of the Local Board of Health of the District are exercised and executed by the Council of a Corporate Borough :

" Noncorporate District : "

The Expression " Noncorporate District " shall mean a District in which the Powers, Authorities, and Duties of the Local Board of Health of the District are not exercised and executed by the Council of a Corporate Borough :

" Street : "

The Word " Street " shall apply to and include any Highway (not being a Turnpike Road), and any Road, public Bridge (not being a County Bridge), Lane, Footway, Square, Court, Alley, Passage, whether a Thoroughfare or not, and the Parts of any such Highway, Road, Bridge, Lane, Footway, Square, Court, Alley, or Passage within the Limits of any District :

" House : "

The Word " House " shall include Schools, Factories, and other Buildings in which more than Twenty Persons are employed at One Time :

" Drain : "

The Word " Drain " shall mean and include any Drain of and used for the Drainage of One Building only, or Premises within the same Curtilage, and made merely for the Purpose of communicating therefrom, with a Cesspool or other like Receptacle for Drainage, or with a Sewer into which the Drainage of Two or more Buildings or Premises occupied by different Persons is conveyed :

" Sewer : "

The Word " Sewer " shall mean and include Sewers and Drains of every Description, except Drains to which the Word " Drain " interpreted as aforesaid applies :

" Slaughter-house : "

The Term " Slaughter-house " shall mean and include the Buildings and Places commonly called Slaughter-houses and Knackers Yards, and any Building or Place used for slaughtering Cattle, Horses, or Animals of any Description for Sale :

" Waterworks Company : "

The Expression " Waterworks Company " shall mean any Corporation, Person, or Company of Persons supplying or who may hereafter supply Water for their own Profit :

The

The Term "Waterworks" shall include Streams, Springs, Wells, Pumps, Reservoirs, Cisterns, Tanks, Aqueducts, Cuts, Sluices, Mains, Pipes, Culverts, Engines, and all Machinery, Lands, Buildings, and Things for supplying or used for supplying Water, also the Stock in Trade of any Waterworks Company :

"Waterworks:"

The Expression "the Local Board of Health" shall mean the Persons authorized to execute in each District all or any of the Powers, Authorities, and Duties vested in or imposed upon the Local Board of Health by this Act:

"The Local Board of Health:"

The Expressions "the Officer of Health," "the Clerk," "the Treasurer," "the Surveyor," "the Inspector of Nuisances," shall mean the Persons respectively appointed to be or authorized to execute the Offices of the Officers of Health, Clerk, Treasurer, Surveyor, and Inspector of Nuisances respectively in each District for the Purposes of this Act.

"The Clerk," &c.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Words "The Public Health Act, 1848."

Mode of citing this Act.

IV. And be it enacted, That the First Commissioner for the Time being of Her Majesty's Woods and Forests, Land Revenues, Works, and Buildings, together with such Two other Persons as Her Majesty by Warrant under the Royal Sign Manual may be pleased to appoint, shall be and constitute a Board for superintending the Execution of this Act, and shall be called "The General Board of Health," and shall have and execute all the Powers and Duties vested in or imposed on such Board by this Act, and the said First Commissioner shall be the President of the said Board; and Her Majesty may from Time to Time, at Her Pleasure, remove all or any of the Persons so appointed by Her, and appoint others in their Stead; and the Powers and Duties vested in the said Board by this Act may be exercised and executed by any Two Members thereof; and during any Vacancy in the said Board the continuing Members or Member thereof may act as if no Vacancy had occurred: Provided always, that the said General Board of Health shall be continued only for Five Years next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament, and no longer.

General Board of Health.

General Board of Health to be constituted.

V. And be it enacted, That the said Board may from Time to Time appoint a Secretary and such Clerks and Servants as they, subject to the Approval of the Commissioners of Her Majesty's Treasury, may deem necessary for the Purposes of this Act; and every Person so appointed shall be removable at the Pleasure of the said Board; and the said Board shall cause to be made a Seal for their Use in the Execution of this Act, and Documents or Copies of Documents purporting to proceed from them, and to be signed by any Two or more of them, and to be sealed or stamped with such Seal, shall be received as *prima facie* Evidence in all Courts and Places whatsoever.

Power to General Board of Health to appoint Officers and Servants, subject to Approval of Treasury, and to cause a Seal to be made.

VI. And

General Board of Health.

Power to appoint Superintending Inspectors, subject to Approval of Treasury.

Power to Treasury to grant Salaries, &c. to General Board of Health, Superintending Inspectors, &c.

Preliminary Inquiry.

Upon Petition of a certain Proportion of Householders, &c., or when the Deaths in any City, &c. appear upon the Registrar General's Returns to be above a certain Proportion, Superintending Inspector to make local Inquiry.

VI. And be it enacted, That the General Board of Health may from Time to Time appoint so many proper Persons as they, subject to the Approval of the Commissioners of Her Majesty's Treasury, may deem necessary, to be Superintending Inspectors for the Purposes of this Act; and every Person so appointed shall have all the Powers, Duties, and Liabilities vested in or imposed upon any Superintending Inspector by this Act, and shall assist in the Superintendence and Execution of this Act, when, where, and in such Manner as the said Board shall direct, and shall be removable at their Pleasure.

VII. And be it enacted, That there shall be paid to such One of the Members of the General Board of Health, not being the President, as Her Majesty shall direct, and to the said Secretary, Clerks, and Servants, such Salaries or Wages, and to the said Superintending Inspectors such Allowances, as shall from Time to Time be appointed by the Commissioners of Her Majesty's Treasury, out of any Monies which may from Time to Time be provided by Parliament for that Purpose: Provided always, that the Allowance to a Superintending Inspector shall not exceed the Sum of Three Pounds Three Shillings for every Day he shall be actually employed or travelling in the Performance of the Duties of his Office; provided also, that the Commissioners of Her Majesty's Treasury may allow to any Superintending Inspector such reasonable travelling and other Expenses as may be incurred by him in the Performance of the Duties of his Office under this Act, in addition to his said Allowance.

VIII. And be it enacted, That from Time to Time after the passing of this Act, upon the Petition of not less than One Tenth of the Inhabitants rated to the Relief of the Poor of any City, Town, Borough, Parish, or Place having a known or defined Boundary, not being less than Thirty in the whole, or where it shall appear or can be ascertained from the last Return for the Time being made up by the Registrar General of Births, Marriages, and Deaths from the Deaths registered in a Period of not less than Seven Years that the Number of Deaths annually in any City, Town, Borough, Parish, or Place during the Period in respect whereof such Return shall have been made have on an Average exceeded the Proportion of Twenty-three to a Thousand of the Population of such City, Town, Borough, Parish or Place, the General Board of Health may, if and when they shall think fit, direct a Superintending Inspector to visit such City, Town, Borough, Parish, or Place, and to make public Inquiry, and to examine Witnesses, as to the Sewerage, Drainage, and Supply of Water, the State of the Burial Grounds, the Number and sanitary Condition of the Inhabitants, and as to any Local Acts of Parliament in force within such City, Town, Borough, Parish, or Place for paving, lighting, cleansing, watching, regulating, supplying with Water, or improving the same, or having relation to the Purposes of this Act, also as to the natural Drainage Areas, and the existing municipal, parochial, or other local Boundaries, and the Boundaries which may be most

most advantageously adopted for the Purposes of this Act, and as to any other Matters in respect whereof the said Board may desire to be informed, for the Purpose of enabling them to judge of the Propriety of reporting to Her Majesty, or making a Provisional Order, as herein-after mentioned.

Preliminary Inquiry.
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IX. And be it enacted, That before proceeding upon such Inquiry the said Inspector shall give Fourteen Days Notice of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him upon the Subject of such Inquiry, by Advertisement in some One or more of the public Newspapers usually circulated in the Parts to which the Inquiry will relate, and by causing such Notice to be affixed on the Doors of the principal Churches, Chapels, public Buildings, and Places where public Notices are usually affixed within such Parts, and in such other Manner as may appear to the said Inspector to be necessary; and so soon as can be after the Completion of such Inquiry he shall report in Writing to the General Board of Health, in such Manner as they may direct, upon the several Matters with respect to which he has been directed to inquire as aforesaid, and upon any other Matters with respect to which he may deem it expedient to report for the Purposes of this Act; and if upon such Report it appear to the said General Board that the Boundaries which may be most advantageously adopted for the Purposes of this Act are not the same as those of the City, Town, Borough, Parish, or Place with respect to which Inquiry has been made, they shall cause the same or some other Superintending Inspector to visit the Parts within the Boundaries proposed to be adopted for the Purposes of this Act, and, after having given such Notice as is herein-before prescribed, to hear all Persons desirous of being heard before him upon the Subject of the said Report, and to make such further Inquiry and Report to the said Board as they may direct; and upon the Presentation of such Report or further Report the said Board shall cause Copies thereof respectively to be published in the Parts to which such Report or further Report respectively relate, in such Manner as they may direct, and shall also cause other Copies thereof respectively to be deposited with the Town Clerk of any Corporate Borough affected thereby, and with the Clerk to the Commissioners or Trustees acting under any Local Act of Parliament in force within such Parts for lighting, paving, cleansing, watching, regulating, supplying with Water, or improving such Parts, or any of them, or in anywise relating to the Purposes of this Act, and with the Clerk to the Justices acting for any Petty Sessional Division in which such Parts may be, and with the Clerk of the Board of Guardians of the Union or Parish the whole or Part of which may be affected thereby; and if such Report or further Report relate to Parts not being within any Corporate Borough the said Board shall cause other Copies of the same to be deposited with the Churchwardens or Overseers of the Poor of any Parish in which such Parts or any of them may be; and the Copies so published or deposited

Inspector to give Notice of Inquiry, and report to General Board the Result of the same.

Upon such Report General Board may, if they think fit, cause Inspector to make further Inquiries respecting Boundaries, and present a further Report, which shall be published, &c.

*Preliminary
Inquiry.*

deposited shall be accompanied by a Notice stating that within a certain Time, not being less than One Month from the Time of such Publication and Deposit, written Statements may be forwarded to the said Board with respect to any Matter contained in or omitted from the said Report or further Report, or any Amendment proposed to be made therein; and all such Statements shall be deposited with such Town Clerk, Clerk to Justices, Clerk to the Board of Guardians, and with such Churchwardens or Overseers respectively, in like Manner as the said Copies, and shall, together with such Copies, be open to public Inspection from the Hour of Eleven in the Forenoon till the Hour of Three in the Afternoon every Day during the Time specified in the last-mentioned Notice, *Sundays, Christmas Days, Good Fridays*, and Days appointed for General Fasts or Thanksgivings only excepted; and any Town Clerk, Clerk to Justices, Clerk to the Board of Guardians, Churchwardens, or Overseers who shall refuse to receive any Document or Copy of any Document directed to be deposited with him or them as aforesaid, or to allow such Inspection, shall be liable for every such Offence to a Penalty not exceeding Five Pounds; and after the Expiration of such last-mentioned Notice the said Board may, if they think fit, direct such further Inquiry and Report as to them may seem necessary and proper.

*Application of
the Act.*

Cases in which
Act shall be
put in force by
Order of Her
Majesty in
Council.

X. And be it enacted, That if after such Inquiry or further Inquiry as aforesaid it appear to the said General Board of Health to be expedient that this Act or any Part thereof should be applied to the City, Town, Borough, Parish, or Place with respect to which Inquiry has been made, upon the Petition of such Inhabitants as aforesaid, and within the same Boundaries as those of such City, Town, Borough, Parish, or Place, and within which there is no Local Act of Parliament in force for paving, lighting, (otherwise than for the Profit of Proprietors or Shareholders,) cleansing, watching, regulating, supplying with Water, or improving such City, Town, Borough, Parish, or Place, or any Part thereof, or in anywise relating to the Purposes of this Act, they shall report to Her Majesty accordingly; and at any Time after Presentation of such Report it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, to order that this Act or any Part thereof shall be applied to and be put in full Force and Operation within such City, Town, Borough, Parish, or Place; and if after such Inquiry or further Inquiry as aforesaid it appear to the said General Board to be expedient that this Act or any Part thereof should be put in force within Boundaries not being the same as those of the City, Town, Borough, Parish, or Place from which the said Petition proceeded, or within Boundaries where no Petition has been presented from such Inhabitants as aforesaid, or within any City, Town, Borough, Parish, or Place in which any such Local Act of Parliament as aforesaid is in force, they shall make a Provisional Order under their Hands and Seal of Office accordingly, with such Provisions, Regulations, Conditions, and Restrictions with respect to the Application

Cases in which
Act shall be put
in force by Pro-
visional Order
of General
Board, and
sanctioned by
Parliament.

*Application of
the Act.*

cation and Execution of this Act or any Part thereof, and with respect to any such Local Act, and the Repeal, Alteration, Extension, or future Execution of the same, and in all respects whatsoever as they may think necessary under all the Circumstances of the Case; and such Provisional Order shall be published in the Parts to which the same relates in such Manner as the said General Board may direct, and shall be deposited with the Town Clerk of any Corporate Borough affected thereby, and with the Clerk to the Commissioners or Trustees acting under any such Local Act, also with the Clerk to the Justices acting for any Petty Sessional Division in which such Parts may be, and with the Clerk of the Board of Guardians of the Union or Parish the whole or Part of which may be affected thereby; and if such Provisional Order relate to Parts not being within any Corporate Borough, the said Board shall cause other Copies of the same to be deposited with the Churchwardens or Overseers of the Poor of any Parish in which such Parts or any of them may be; and in case it shall be enacted by any Act of Parliament hereafter to be passed that the whole or Part of any Provisional Order or Orders of the General Board of Health shall be confirmed and be absolute, the whole or Part of such Provisional Order or Orders which shall be so confirmed shall be as binding and of the like Force and Effect as if the same had been expressly enacted by Parliament, and every such Act shall be deemed a Public General Act; but no such Provisional Order shall have any Force or Effect, nor shall this Act or any Part thereof be applied in either of the Cases last aforesaid, except for the Purposes of such Inquiry, further Inquiry, Report, or Provisional Order, without the previous Authority of Parliament; and no such Provisional Order, or any altered or amended Order, shall be made with respect to any Local Act of Parliament under which any Waterworks Company is empowered to construct Waterworks or supply Water for their own Profit, without the Consent of the Waterworks Company empowered by such Local Act first had and obtained: Provided always, that, except for the Purposes of Main Sewerage, no Corporate Borough or any Part thereof shall be included in any District not exclusively consisting of the whole or Part of One such Borough without the previous Consent of the Council under the Common Seal of the Borough; but nothing herein contained shall be construed to require such Consent to the Constitution of a District exclusively consisting of the whole or Part of One such Borough for all or any of the Purposes of this Act, nor to hinder or prevent the Application of all or any of the Provisions of this Act to Parts exclusively consisting of the whole or Part of One such Borough, although the same Parts or any of them may have been already included within a District for the Purposes of Main Sewerage: Provided also, that, except for the Purposes of Main Sewerage, no Parts beyond the Boundaries of a Corporate Borough shall be included in any District comprising the whole or Part of any such Borough, except upon the Petition

Exception with respect to certain Local Acts for supplying Water.

Consent of Town Council, &c. in certain Cases.

*Application of
the Act.*

tion of a Majority of the Owners of Property and Rate-payers who would be qualified to vote in the Election of Members of a Local Board of Health for the Parts proposed to be so included; but nothing herein contained shall be construed to require such Petition in order to the Constitution of a District exclusively consisting of Parts not within the Boundaries of any such Borough, nor to hinder or prevent the Application of all or any of the Provisions of this Act to a District exclusively consisting of such last-mentioned Parts, although the same Parts, or any of them, may have been already included within a District for the Purposes of Main Sewerage.

*Preliminary
Inquiry
(continued).*

Costs of preliminary Inquiry, &c., with Consent of Treasury, to become a Charge upon the General District Rates.

XI. And be it enacted, That from and after the making of any such Order in Council, or the passing of any Act of Parliament confirming any Provisional Order of the General Board of Health, the Costs, Charges, and Expenses especially incurred by or under the Direction of the said General Board, or of any Superintending Inspector, in relation to any Inquiry or further Inquiry as aforesaid, shall, to such Extent and Amount as the Commissioners of Her Majesty's Treasury by Order under their Hands may think proper to direct, become a Charge upon the General District Rates levied in such District under the Authority of this Act, and be repaid to the said Commissioners by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as shall from Time to Time remain unpaid.

*Local Boards
of Health.*

Town Council to be the Local Board in Districts consisting of One Borough, &c.

Selection, &c. of Local Boards by Town Councils.

XII. And be it enacted, That in every District exclusively consisting of the whole or Part of One Corporate Borough the Mayor, Aldermen, and Burgesses of such Borough shall be, by the Council of the Borough, within and for such District the Local Board of Health under this Act, and such Council shall exercise and execute the Powers, Authorities, and Duties of such Local Board according to the Laws for the Time being in force with respect to Municipal Corporations in *England* and *Wales*; and in every District exclusively consisting of Two or more of such Boroughs, or of One or more of such Boroughs and also of Part of any other such Borough or Boroughs, or exclusively consisting of Part of Two or more of such Borough or Boroughs, the Mayors for the Time being of the Boroughs whereof the whole or Part is within such last-mentioned District, and such Number of other Persons as shall be fixed by such Provisional Order as aforesaid to be selected by each of such Councils respectively out of their own Number, or from Persons qualified to be Councillors of the Borough in respect of which the Selection is to be made, and shall be named and selected by such Councils accordingly, shall, within and for such District, be the Local Board of Health under this Act; and in every District comprising the whole or Part of any such Borough or Boroughs, and also Parts not within the Boundaries of any such Borough, the Mayor or Mayors for the Time being

Selection of Part of Local Board by Town Councils, and

of the Borough or Boroughs whereof the whole or Part is within such last-mentioned District, and such Number of other Persons as shall be fixed by such Provisional Order to be selected by such Council or each of such Councils respectively out of their own Number, or from the Persons qualified to be Councillors of the Borough in respect whereof the Selection is to be made, and shall be named and selected by such Council or Councils accordingly, shall, together with such Number of Persons as shall be elected as herein-after mentioned in respect of such Noncorporate Parts, be, within and for such District, the Local Board of Health under this Act; and the first Selection by any such Council in pursuance of this Act shall be made on a Day to be appointed by Parliament; and each Person selected by the Council out of their own Number shall be a Member of the Local Board with which he is selected to act so long as he continues without Re-election to be Member of the Council from whom he was selected, and no longer; and each Person selected by the Council otherwise than out of their own Number shall be a Member of the Local Board with which he is selected to act for One Year from the Date of his Selection, and no longer; and in case of any Vacancy in the Number selected some other Person or Persons (as the Case may require) shall be selected by the Council by whom the Person or Persons causing the Vacancy was or were selected, within One Month after the Occurrence of the Vacancy; and the Meeting of any Council at which any Selection as aforesaid is made in pursuance of this Act shall to all Intents and Purposes be deemed to be a Meeting held in pursuance of an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act for the Regulation of Municipal Corporations in England and Wales.* 5 & 6 W.4. c.76.

Part by Owners
and Rate-
payers.

XIII. And be it enacted, That in every District comprising the whole or Part of any Corporate Borough or Boroughs as aforesaid, and also any Part or Parts not within the Boundaries of any Corporate Borough or Boroughs, such Number of Persons, qualified as herein-after prescribed, as shall be fixed by such Provisional Order as aforesaid to be elected for such Part or Parts, or for each of such Parts respectively, shall from Time to Time be elected, in such Manner and by such Owners of Property and Rate-payers as herein-after mentioned, to be, together with the Persons selected as aforesaid in respect of the Corporate Parts of such District, and shall be, within and for such District, the Local Board of Health under this Act; and in every District not comprising the whole or Part of any Corporate Borough or Boroughs, but being a District to which this Act may be applied by Order of Her Majesty in Council, such Number of Persons, qualified as herein-after prescribed in this Behalf, as shall be fixed by such Order in Council, shall be elected, in such Manner and by such Owners of Property and Rate-payers as herein-after mentioned, to be, and shall be, within and for such District, the Local Board of Health under this Act; and in every District not comprising the whole or Part of any Corporate Borough or Boroughs, and being a District

Election of
Members of
Local Board by
Owners and
Rate-payers.

*Local Boards
of Health.*

district to which this Act cannot be applied without the Authority of Parliament, such Number of Persons, qualified as herein-after prescribed, as shall be fixed by such Provisional Order as aforesaid, shall be elected, in such Manner and by such Owners of Property and Rate-payers as herein-after mentioned, to be, and shall be, within and for such District, the Local Board of Health under this Act; and the First Election for any District or Part of a District shall take place on a Day to be appointed by Order of Her Majesty in Council or by Parliament (as the Case may require); and One Third of the Number elected for the whole or any Part or Parts of a District respectively shall go out of Office on such Day in each Year subsequently to that of the First Election as shall be appointed by such Order in Council or Provisional Order as aforesaid (as the Case may require); and the Order in which the Persons first elected shall go out of Office shall be regulated by each Local Board: Provided always, that if the Number of Persons to be elected be not divisible by Three the Proportion to go out of Office in each Year shall be regulated by such Order in Council or Provisional Order (as the Case may require) so that as nearly as may be One Third shall go out of Office in each Year; and if the Number of Persons to be elected for any Part of a District be less than Three the Persons elected shall go out of Office on such Day in each Year, or at such other Period, not being less than a Year, as such Order in Council or Provisional Order (as the Case may require) shall direct; but no Person elected shall in any Case continuously remain in Office for more than Three Years; and on the Days appointed for going out of Office a Number of Persons shall be elected equal to the Number of those so going out, and so many others as may be necessary to complete the full Number of the Local Board of Health in respect of which the Election is to be made.

Regulations as to the Number of Persons to be selected or elected Members of Local Boards.

In case of Vacancies, remaining Members may act.

Persons both selected and elected, &c. to serve in respect of One Title only.

XIV. And be it enacted, That the Number of Persons to be selected or elected for the whole or any Part of a District shall from Time to Time be regulated by such Order in Council or Provisional Order as aforesaid (as the Case may require), due Regard being had to the Size and Circumstances of each District, as may appear to be just and proper; and that any Member of the Local Board of Health, after going out of Office, resigning, or otherwise ceasing to be such Member, may, if otherwise qualified, be again selected or elected (as the Case may require); and in the event of any Vacancy in the Number of Persons elected, by Death, Resignation, or otherwise, between the Times appointed for Election as aforesaid, or if at any Time the said Local Board be without its full Number of Members, the remaining Members shall continue and be as competent to act until the Time appointed for Election, or until the full Number is selected or elected, (as the Case may require,) as if no Vacancy had occurred; and if any Person be both selected and elected to be a Member of the Local Board of Health he shall, within Three Days after Notice thereof from the Clerk, choose, or in default of such Choice the Local Board of which he is so selected and elected to be Member shall determine, the Title in respect

respect of which he shall serve, and immediately upon such Choice or Determination the Person so selected and elected shall be deemed to be Member only in respect of the Title so chosen or determined, and his Office as Member in respect of any other Title shall thereupon become vacant.

*Local Boards
of Health.*

XV. Provided always, and be it enacted, That if any Corporate Borough or Part thereof be included only for the Purposes of Sewerage in any District comprising any Part or Parts not within the Boundaries of any such Borough, and the last-mentioned Part or Parts, or any of them, be constituted a District or Districts for any other Purposes of this Act, the Persons elected for such Sewerage District shall, within and for the separate District within which they shall have been so elected, be and constitute the Local Board of Health, in the same Manner and as fully to all Intents and Purposes as if they had been expressly elected to constitute the same.

Members
elected for Part
of a Sewerage
District to con-
stitute separate
Board for other
Purposes of the
Act.

XVI. And be it enacted, That every Person elected as aforesaid shall at the Time of his Election, and so long as he shall continue in Office by virtue of such Election, be resident within the District for which or for Part of which he is elected, or within Seven Miles thereof, and be seised or possessed of Real or Personal Estate, or both, to such Value or Amount as shall be fixed by such Order in Council or Provisional Order as aforesaid (as the Case may require), within the Limits next hereinafter provided, or be so resident, and rated to the Relief of the Poor of some Parish, Township, or Place of which some Part is within such District or Part of a District, upon such annual Value as shall be fixed by such Order in Council or Provisional Order (as the Case may require), within the Limits next hereinafter provided: Provided always, that it shall not be lawful to require that any Person be seised or possessed as aforesaid to a Value or Amount exceeding One thousand Pounds, or to require that any Person be rated upon an annual Value exceeding Thirty Pounds; provided also, that if Two or more Persons be jointly seised or possessed of Real or Personal Estate, or both, of such Value or Amount as would, if equally divided between them, qualify each to be elected, or if Two or more Persons be jointly rated in respect of any Property which if equally divided between them would qualify each to be so elected, each of the Persons so jointly seised, possessed, or rated may be elected; but the same Property shall not at the same Time qualify both the Owner and the Occupier thereof.

Qualification
of elected
Members.

XVII. And be it enacted, That no Person elected as aforesaid, or selected by any Council otherwise than out of their Number, shall act as Member of the Local Board of Health (except in administering the following Declaration) until he shall have made and signed before Two or more other Members for the District for which he is elected a Declaration in Writing to the Effect following; (that is to say,)

Declaration to
be made by
Members of
Local Boards
before acting.

‘ I A.B. do solemnly declare, That I am seised or possessed of
‘ Real or Personal [or Real and Personal] Estate to the
‘ Value or Amount of [or that I am rated to the
[No. 40. Price 2d.] R r Relief

*Local Boards
of Health.*

‘ Relief of the Poor of
‘ of]

upon the annual Value

(Signed) *A.B.*

‘ Made before us, *C.D.* and *E.F.*, Members of
‘ the Local Board of Health for the District of
‘ this Day of .’

False Declara-
tion a Misdemeanor.

And such Declaration shall be made and signed by the Person making the same, and shall be filed and kept by the Clerk; and any Person who shall falsely or corruptly make and subscribe the said Declaration, knowing the same to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor.

Persons neg-
lecting to make
Declaration or
to act for Three
Months to cease
to be a Member.

XVIII. And be it enacted, That any Person elected as aforesaid, or selected by any Council otherwise than out of their own Number, who neglects to make and subscribe the Declaration required by this Act for the Space of Three Months next after his Selection or Election, and any Person selected or elected under this Act who during Three successive Months is absent from all Meetings and Committees of the Local Board of Health of which he is elected or selected to be Member, shall be deemed to have refused to act, and shall cease to be a Member of such Local Board, and his Office as such shall thereupon become vacant.

Disqualifica-
tions.

XIX. And be it enacted, That no Bankrupt, Insolvent, or other Person not qualified as aforesaid shall be capable of being elected as aforesaid; and if any Person, after being so elected or selected by any Council otherwise than out of their own Number, shall lose or discontinue to hold his Qualification, or shall be declared bankrupt, or shall apply to take the Benefit of any Act for the Relief or Protection of Insolvent Debtors, or shall compound with his Creditors, or if any Member selected or elected under this Act shall accept or hold any Office or Place of Profit under the Local Board of Health of which he is Member, or shall in any Manner be concerned in any Bargain or Contract entered into by such Board, or participate in the Profit thereof, or of any Work done under the Authority of this Act in or for the District for which he is Member, then and in every such Case such Person shall, except in the Cases next herein-after provided, cease to be such Member, and his Office as such, shall thereupon become vacant; and any Person who, not being duly qualified to act as Member of the said Local Board, or who has not made and subscribed the Declaration required of him by this Act, or who after being disqualified or disabled from acting by any Provision of this Act, shall so act, shall for every such Offence be liable to a Penalty of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt; and in such Action it shall be sufficient for the Plaintiff to prove in the first instance that the Defendant at the Time when the Offence is alleged to have been committed acted as such Member; and the Burthen of proving Qualification, and the making and Subscription of the Declaration, or negating Disqualification, by reason of Non-residence, or not being seised or possessed of the requisite Real or

or Personal Estate, or both, shall be upon the Defendant: Provided always, that no Person, being a Proprietor, Shareholder, or Member of any Company or Concern established for the Supply of Water, or for the carrying on of any other Works of a like public Nature, shall be disabled from being, continuing, or acting as Member of the said Local Board by reason of any Contract entered into between such Company or Concern and such Board; but no such Person shall vote as Member of the said Local Board upon any Question in which such Company or Concern is interested: Provided also, that all Acts and Proceedings of any Person disqualified, disabled, or not duly qualified as aforesaid, or who has not made and subscribed the said Declaration, shall, if done previously to the Recovery of the last-mentioned Penalty, be valid and effectual to all Intents and Purposes whatsoever.

*Local Boards
of Health.*

XX. And be it enacted, That at every such Election as aforesaid the Rate-payers in respect of Property in the District or Part of a District for which the Election is held, and the Owners of such Property, shall be entitled to vote according to the Scale following; (that is to say,) if the Property in respect of which the Person is entitled to vote be rated upon a rateable Value of less than Fifty Pounds he shall have One Vote, if such rateable Value amount to Fifty Pounds and be less than One hundred Pounds he shall have Two Votes, if it amount to One hundred Pounds and be less than One hundred and fifty Pounds he shall have Three Votes, if it amount to One hundred and fifty Pounds and be less than Two hundred Pounds he shall have Four Votes, if it amount to Two hundred Pounds and be less than Two hundred and fifty Pounds he shall have Five Votes, and if it amount to or exceed Two hundred and fifty Pounds he shall have Six Votes; and any Person who is Owner and also *bonâ fide* Occupier of the same Property shall be entitled to vote both in respect of such Ownership and of such Occupation; and the Votes shall be given, taken, collected, and returned according to the Directions herein-after contained; and the Majority of the Votes actually collected and returned shall be binding on the District or Part of a District for which the Election is had; and whosoever shall not vote or shall not comply with such Directions shall be omitted in the Calculation of Votes, and be deemed to have had no Vote: Provided always, that the Word "Owner" and "Owners," when used in this Act in relation to the Right of voting at any Election under this Act, shall respectively be construed to mean any Person or Persons for the Time being in the actual Occupation of any Kind of Property rateable to the Relief of the Poor, and not let to him or them at a Rack Rent, or any Person or Persons receiving, either on his or their own Account, or as Mortgagee or Mortgagees, or other Incumbrancer or Incumbrancers, in possession, the Rack Rent of any such Property; and no Person shall be deemed a Rate-payer or be entitled to vote as such at any such Election unless he shall have been rated to the Relief of the Poor in the District or Part of a District for which he

*Election of
Local Boards.*

Qualification of
Electors, and
Scale of voting.

Definition of
the Words
"Owner" and
"Owners" as
applied to this
Act.

*Election of
Local Boards.*

claims to vote for the Space of One whole Year immediately preceding the Day of tendering his Vote, and shall have also paid all Rates made upon him for the Relief of the Poor in such District or Part of a District for the Period of One whole Year, and shall have also paid all such Rates, and all Rates due from him under this Act, before that Day, in such District or Part of a District, except Rates which shall have been made or become due within the Six Months immediately preceding: Provided also, that in case of Property belonging to a Corporation Aggregate, or to a Joint Stock or other Company, or to any Body of Proprietors or Undertakers, such Corporation, Company, Body of Proprietors or Undertakers respectively, shall be deemed to be One Owner for the Purpose of voting under this Act, and shall vote by Proxy appointed in Writing under the Common Seal (in case of a Corporation) or (in any other Case) under the Hands of Three Directors or other Persons in the Direction or Management of the Company or Concern; and no Member of such Corporation, nor any Proprietor or Person interested in such Company or Concern, shall be entitled to vote individually as Owner in respect of such Property; and no Owner whosoever shall be entitled to vote as such, unless, Fourteen Days at least previously to the Day of tendering his Vote, he shall have delivered to the Clerk, or (in case of the first Election) to such Person within the District in which the Qualification to vote is situate as shall be directed by such Order in Council or Provisional Order (as the Case may require), a Statement in Writing of his Name and Address, and containing a Description of the Nature of his Interest or Estate in the Property giving the Qualification, and a Statement of the Amount of all Rent-service (if any) which he may receive or pay in respect thereof, and of the Persons from whom he may receive or to whom he may pay the same; and no such Corporation Aggregate, Joint Stock or other Company, Body of Proprietors or Undertakers, shall be entitled to vote unless such Statement contain the Name and Address of the Proxy appointed, and a true Copy of the Appointment of such Proxy.

Elections, by
whom to be
conducted.

XXI. And be it enacted, That at every Election by Owners of Property and Rate-payers under this Act the Chairman of the Local Board of Health, or, in case of the first Election, such Person as shall be appointed by Order of Her Majesty in Council, or by Provisional Order of the General Board of Health, (as the Case may require,) shall have the Powers and perform the Duties vested in or imposed upon the said Chairman by this Act in relation to any such Election, and shall perform all other Duties which it may be requisite for him to perform in conducting and completing Elections under this Act; and in case the Office of Chairman shall be vacant at the Time when any such Power or Duty must be executed or performed, or in case the Chairman or Person appointed as last aforesaid, from Illness or other sufficient Cause, shall be unable to exercise or discharge such Powers or Duties, or shall be absent, or shall refuse to act, some other Person who shall be appointed (in case of the first Election)

Election) by such Order in Council or Provisional Order, or (in any other Case) by the Local Board of Health, shall exercise or perform such of the said Powers and Duties as then remain to be exercised or performed; and the said Local Board, or (in case of the first Election) the Person appointed by such Order in Council or Provisional Order, shall, before or during the Election, appoint a competent Number of Persons to assist and attend upon the Chairman or the Person so appointed (as the Case may require) in conducting and completing the same.

*Election of
Local Boards.*

XXII. And be it enacted, That the Clerk of the Board of Guardians of any Union, and the Overseers or other Officers of every Parish, wholly or in part within the Parts for which any such Election shall be held, and having the Custody of any Books or Papers relating to the Election of Guardians of the Poor, or the Poor Rate Books relating to any such Parish, shall permit the same to be inspected and Copies or Extracts to be taken therefrom by the said Chairman, or (in case of the first Election) by any Person appointed by such Order in Council or Provisional Order as aforesaid; and the said Chairman may, if he shall see fit, cause to be made an Alphabetical List of the Persons entitled to vote at the Election.

Production of
Parochial
Books, &c. for
Purposes of
Election.

List of Voters,
&c. to be made,
if necessary.

XXIII. And be it enacted, That the said Chairman shall, before every such Election, prepare, sign, and publish a Notice, which shall contain the Particulars following; that is to say, the Number and Qualification of the Persons to be elected, the Persons by whom and the Places where the Nomination Papers herein-after mentioned are to be received, and the last Day on which they are to be sent, the Mode of voting in case of a Contest, and the Days on which the Voting Papers will be delivered and collected, and the Time and Place for the Examination and casting up of the Votes; and he shall also cause such Notice to be affixed on such Places in the Parts for which the Election is to be held as are ordinarily made use of for affixing thereon Notices of Parochial Business: Provided always, that whenever the Day appointed for the Performance of any Act in relation to any such Election shall be on a *Sunday*, *Christmas Day*, or *Good Friday*, or any Day appointed for public Fast or Thanksgiving, such Act shall be performed on the Day next following.

Publication of
Notices pre-
viously to Elec-
tion.

XXIV. And be it enacted, That any Person entitled to vote may nominate for the Office of Member of the Local Board of Health himself (if qualified to be elected), or any other Person or Persons so qualified (not exceeding the Number of Persons to be elected); and every such Nomination shall be in Writing, and shall state the Names, Residence, Calling, or Quality of the Persons nominated, and shall be signed by the Party nominating, and be sent to the said Chairman; and if the Number of Persons nominated shall be the same or less than the Number of Persons to be elected, such Persons (if duly qualified) shall be deemed to be elected, and shall be certified accordingly by the said Chairman under his Hand; but if the Number so nominated exceed the Number to be elected, the said Chairman shall cause

Nomination
and Election of
Candidates.

*Election of
Local Boards.*

Voting Papers, in the Form contained in the Schedule (A.) to this Act annexed, to be prepared and filled up, and shall insert therein the Names of all the Persons nominated, in the Order in which the Nomination Papers were received, but it shall not be necessary to insert more than once the Name of any Person nominated; and the said Chairman shall, Three Days before the Day of Election, cause One of such Voting Papers to be delivered by the Persons appointed for that Purpose to the Address in the Parts for which the Election is to be held of each Owner and Proxy, and at the Residence of each Rate-payer entitled to vote therein: Provided always, that if any Person put in nomination shall tender to the Officer conducting the Election his Refusal in Writing to serve as a Member of the Local Board of Health, and if in consequence of such Refusal the Number of Persons nominated shall be the same as or less than the Number of Persons to be elected, all or so many of the remaining Candidates as shall be duly qualified shall be deemed to be elected, and shall be certified as such by the Chairman under his Hand.

Mode of voting.

XXV. And be it enacted, That each Voter shall write his Initials in the Voting Paper delivered to him against the Name or Names of the Person or Persons (not exceeding the Number of Persons to be elected) for whom he intends to vote, and shall sign such Voting Paper; and when any Person votes as a Proxy he shall in like Manner write his own Initials, and sign his own Name, and state also in Writing the Name of the Corporation, Company, or Body of Proprietors or Undertakers for which he is Proxy: Provided always, that if any Voter cannot write he shall affix his Mark at the Foot of the Voting Paper in the Presence of a Witness, who shall attest and write the Name of the Voter against the same, as well as the Initials of such Voter against the Name of every Candidate for whom the Voter intends to vote.

*Regulations as
to Collection of
Voting Papers.*

XXVI. And be it enacted, That the said Chairman shall cause the Voting Papers to be collected on the Day of Election by the Persons appointed or employed for the Purpose in such Manner as he shall direct; but no Voting Paper shall be received or admitted unless the same have been delivered at the Address or Residence as aforesaid of the Voter within the Parts for which the Election is had, nor unless the same be collected by the Persons appointed or employed for that Purpose, except as next herein-after provided: Provided always, that if any Person qualified to vote shall not have received a Voting Paper as aforesaid, he shall, on Application before that Day to the said Chairman, be entitled to receive a Voting Paper from him, and to fill up the same in his Presence, and then and there to deliver the same to him: Provided also, that in case any Voting Paper duly delivered shall not have been collected, through the Default of the said Chairman, or the Persons appointed or employed to receive the same, the Voter in Person may deliver the same to the said Chairman before Twelve o'Clock at Noon on the Day, or the first Day, (as the Case may be,) appointed for the Examination and casting-up of the Votes.

XXVII. And

XXVII. And be it enacted, That the Chairman shall, on the Day immediately following the Day of the Election, and on as many Days immediately succeeding as may be necessary, attend at the Office of the Local Board of Health, and ascertain the Validity of the Votes, by an Examination of the Rate Books and such other Books and Documents as he may think necessary, and by examining such Persons as he may see fit; and he shall cast up such of the Votes as he shall find to be valid, and to have been duly given, collected, or received, and ascertain the Number of such Votes for each Candidate; and the Candidates to the Number to be elected who, being duly qualified, shall have obtained the greatest Number of Votes, shall be deemed to be elected, and shall be certified as such by the said Chairman under his Hand; and to each Person so elected the said Chairman shall send or deliver Notice of such Election; and the said Chairman shall also cause to be made a List containing the Names of the Candidates, together with (in case of a Contest) the Number of Votes given for each, and the Names of the Persons elected, and shall sign and certify the same, and shall deliver such List, together with the Nomination and Voting Paper which he shall have received, to the Local Board of Health at their first or next Meeting (as the Case may be), who shall cause the same to be deposited in their Office, and the same shall, during Office Hours thereat, be kept open to public Inspection, together with all other Documents relating to the Election, for Six Months after the Election shall have taken place, without Fee or Reward; and the said Chairman shall cause such List to be printed, and Copies thereof to be affixed at the usual Places for affixing Notices of Parochial Business within the Parts for which the Election shall have been made.

*Election of
Local Boards.*

Regulations as to Examination of Votes and Elections of Local Boards.

Notices to be sent to Persons elected.

List of Persons elected, &c. to be transmitted to Local Boards, who shall deposit the same, which shall be open to Inspection.

XXVIII. And be it enacted, That if the said Chairman or other Person charged with taking, collecting, or returning the Votes at any such Election as aforesaid shall neglect or refuse to comply with any of the Provisions of this Act in that Behalf, he shall be liable for every such Offence to a Penalty not exceeding Fifty Pounds; and any Person employed for the Purposes of any such Election, by or under the said Chairman or other Person charged as aforesaid, who shall be guilty of any such Neglect or Refusal, shall be liable for every such Offence to a Penalty not exceeding Five Pounds.

Penalty upon Persons conducting Elections neglecting to comply with Provisions of this Act.

XXIX. And be it enacted, That all Proceedings of the Local Board of Health, and of any Person acting as Member or under the Authority thereof, shall, notwithstanding any Defect in the Selection or Election of such Board or any Member thereof, be as valid and effectual as if no such Defect had ever existed.

Defects in Election, &c. not to invalidate Proceedings.

XXX. And be it enacted, That the necessary Expenses attendant upon any such Election as aforesaid, and such reasonable Remuneration to Returning Officers and other Persons for Services performed or Expenses incurred by them in relation thereto as shall from Time to Time be allowed by the Local Board of Health in that Behalf, shall be paid out of the General District Rates to be levied under this Act.

Expenses of Elections to be defrayed out of General District Rates.

*Election of
Local Boards.*

Local Board of
Health in Ox-
ford and Cam-
bridge to consist
of Oxford and
Cambridge Im-
provement
Commissioners.
52 G. 3. c. lxxii.
34 G. 3. c. civ.

XXXI. Provided always, and be it enacted, That nothing herein-before contained with respect to the Appointment, Selection, or Election of any Local Board of Health, or Member thereof, shall apply to the City of *Oxford*, or the Parts within the Jurisdiction of the Commissioners for amending certain Mileways leading to *Oxford*, and making Improvements in the University and City of *Oxford*, the Suburbs thereof, and the adjoining Parish of *Saint Clement*, (which Commissioners are herein-after called the *Oxford* Commissioners,) or to the Borough of *Cambridge*, or the Parts within the Jurisdiction of the Commissioners acting under an Act of the Thirty-fourth Year of the Reign of King *George* the Third, for amending and enlarging the Powers of a former Act of the same Reign, for the better paving, cleansing, and lighting the Town of *Cambridge*, for removing and preventing Obstructions and Annoyances, and for widening the Streets, Lanes, and other Passages within that Town (which Commissioners are herein-after called the *Cambridge* Commissioners); and if the City of *Oxford*, or the Parts within the first-mentioned Jurisdiction, become a District under this Act, the same shall be called the *Oxford* District, and the said *Oxford* Commissioners for the Time being shall, within and for such District, be the Local Board of Health under this Act; and if the Borough of *Cambridge*, or the Parts comprised within the Jurisdiction secondly above mentioned, become a District under this Act, the same shall be called the *Cambridge* District, and the said *Cambridge* Commissioners for the Time being shall, within and for such District, be the Local Board of Health under this Act.

With respect to
the Execution
of the Act by
Commissioners
under Local
Acts in other
Cases.

XXXII. And be it declared and enacted, That whenever by any such Provisional Order as aforesaid the Commissioners or Trustees acting under any Local Act of Parliament are constituted the Local Board of Health under this Act, such Commissioners or Trustees shall, within and for the District to which such Provisional Order applies, exercise and execute the Powers, Authorities, and Duties vested in or imposed on the Local Board of Health by this Act, and so much of this Act as relates to the Appointment, Election, or Selection of Local Boards of Health shall not apply to such District.

Local Board of
Health, in case
of a District
afterwards be-
coming a Cor-
porate Borough.

XXXIII. And be it enacted, That if, after the Application of this Act to any District, the Parts constituting the District shall afterwards become or be entirely comprised within the Limits of a Corporate Borough, the Mayor, Aldermen, and Burgesses of such Borough shall from and after such Day as shall have been specified in the Charter of Incorporation in this Behalf be, by the Council of the Borough, the Local Board of Health within and for such District; and in case any Day shall have been so specified, but not otherwise, the Powers, Authorities, Duties, Property, and Liabilities of any other Persons as such Local Board shall from and after that Day absolutely cease and determine, and be vested in such Mayor, Aldermen, and Burgesses, as fully to all Intents and Purposes as if they had

had always been the Local Board of Health from the Time when the District was originally constituted.

XXXIV. And be it enacted, That the Local Board of Health of every Noncorporate District shall hold an annual Meeting and other Meetings for the Transaction of Business under this Act once at least in each Month, and at such other Times as may be necessary for properly executing its Powers and Duties under this Act, and shall from Time to Time make Bye Laws with respect to the summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business by such Board under this Act: Provided always, that no Business shall be transacted at any such Meeting unless at least One Third of the full Number of Members be present thereat, except in either of the Districts to be called the *Oxford* or *Cambridge* Districts, in which Cases Business may be transacted if at least Seven Members be present; and all Questions shall be decided by a Majority of Votes; and the Names of the Members present, as well as of those voting upon each Question, shall be recorded; and the said Local Board shall at their First Meeting under this Act, and afterwards from Time to Time at their annual Meeting, appoint One of their Number to be Chairman for One Year at all Meetings at which he is present; and in case the Chairman so appointed be absent from any Meeting at the Time appointed for holding the same the Members present shall appoint One of their Number to act as Chairman thereat; and in case the Chairman appointed as first aforesaid die, resign, or become incapable of acting, another Member shall be appointed to be Chairman for the Period during which the Person so dying, resigning, or becoming incapable would have been entitled to continue in Office, and no longer; and the Chairman at any Meeting shall have a Second or casting Vote in case of an Equality of Votes; but nothing herein contained with respect to the Appointment of Chairman shall apply to any District to be called the *Oxford* or *Cambridge* District, and in such Districts the *Oxford* or *Cambridge* Commissioners respectively shall appoint a Chairman as heretofore.

*Meetings, &c.
of Local Boards.*

Meetings of
Local Boards of
Noncorporate
Districts, and
Regulation of
Business, &c.

XXXV. And be it enacted, That the Local Board of Health shall from Time to Time provide and maintain such Offices as may be necessary for transacting their Business and that of their Officers and Servants under this Act, and (in the Case of a Noncorporate District) shall cause to be made a Seal for the Use of such Board in the Execution of this Act; and Documents or Copies of Documents purporting to proceed from the said Local Board, and to be signed by any Five or more Members thereof, and to be sealed or stamped with such Seal, or (in the Case of a Corporate District) to be sealed with the Common Seal, shall be received as *prima facie* Evidence in all Courts and Places whatsoever.

Local Boards
to provide
Offices for
transacting
Business, and
cause a Seal
to be made.

XXXVI. And be it enacted, That the Local Board of Health may from Time to Time appoint out of their own Number so many Persons as they may think fit, for any Purposes which

Committees
may be ap-
pointed.

which in the Opinion of the said Local Board would be better regulated and managed by means of a Committee: Provided always, that the Acts of every such Committee shall be submitted to the said Local Board for their Approval.

Local Officers.

Power to Local Boards to appoint Surveyor, Inspector of Nuisances, Clerk, Treasurer, &c.

Same Person may be Surveyor and Inspector of Nuisances, but not Clerk and Treasurer.

Penalty upon Officers, &c. interested in Contracts or taking Fees improperly.

Officers, &c. intrusted with Money to give Security, and to account.

XXXVII. And be it enacted, That the Local Board of Health shall from Time to Time appoint fit and proper Persons to be Surveyor, Inspector of Nuisances, Clerk, and Treasurer for the Purposes of this Act, and shall appoint or employ such Collectors and other Officers and Servants as may be necessary and proper for the efficient Execution of this Act, and shall make Bye Laws for regulating the Duties and Conduct of the several Officers and Servants so appointed or employed; and the said Local Board may pay, out of the General District Rates to be levied under this Act, to such Officers and Servants, such reasonable Salaries, Wages, or Allowances as the said Local Board may think proper; and every such Officer and Servant shall be removable by the said Local Board at their Pleasure, subject nevertheless, in the Case of the Removal of the Surveyor, to the Approval of the General Board of Health: Provided always, that the same Person may be both Surveyor and Inspector of Nuisances; but neither the Person holding the Office of Treasurer, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Clerk; and neither the Person holding the Office of Clerk, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Treasurer; and whosoever offends in any of the Cases enumerated in this Proviso shall forfeit and pay the Sum of One hundred Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt.

XXXVIII. And be it enacted, That no Officer or Servant appointed or employed by or under the Local Board of Health shall in anywise be concerned or interested in any Bargain or Contract made with such Board for the Purposes of this Act; and if any such Officer or Servant be so concerned or interested, or shall, under colour of his Office or Employment, exact, take, or accept any Fee or Reward whatsoever, other than his proper Salary, Wages, and Allowances, he shall be incapable of afterwards holding or continuing in any Office or Employment under this Act, and shall forfeit and pay the Sum of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt.

XXXIX. And be it enacted, That before any such Officer or Servant enters upon any Office or Employment under this Act by reason whereof he will or may be intrusted with the Custody or Control of Money, the Local Board of Health by whom he is appointed shall require and take from him sufficient Security for the faithful Execution of such Office or Employment, and for duly accounting for all Monies which may be intrusted to him by reason thereof; and every such Officer or Servant employed in the Collection of Rates under the Authority

rity of this Act shall, within Seven Days after he shall have received any Monies on account of such Rates, pay over the same to the Treasurer, and shall, as and when the said Local Board may direct, deliver a List, signed by him, containing the Names of all Persons who have neglected or refused to pay any such Rate, and the Sums respectively due from them; and every Officer and Servant appointed or employed by or acting under the said Local Board shall respectively, when and in such Manner as shall be required by such Board, make out and deliver to them a true and perfect Account in Writing of all Monies received by him for the Purposes of this Act, and stating how, and to whom, and for what Purpose such Monies have been disposed of, and shall, together with such Account, deliver the Vouchers or Receipts for all Payments made by him, and pay over to the Treasurer all Monies owing by him upon the Balance of Accounts; and if any such Officer or Servant fail to render such Account, or to produce and deliver up such of the said Vouchers and Receipts as may be in his Possession or Power, or to pay over any such Monies as aforesaid, or if for the Space of Five Days after being thereunto required he fail to deliver up to the said Local Board all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to such Board, then and in every such Case a Justice shall, on Complaint being made to him in that Behalf, summon the Party charged to appear and answer the Complaint before Two Justices at a Time and Place to be specified in the Summons; and upon the Appearance of the Party charged, or upon Proof that the Summons was personally served upon him, or left at his last known Place of Abode or Business, and if it appear to the last-mentioned Justices that he has failed to render any such Accounts, or to produce and deliver up any such Vouchers or Receipts, or any such Papers, Writings, Property, Effects, Matters, or Things as aforesaid, and that he still fails or refuses so to do, they may, by Warrant under their Hands and Seals, commit the Offender to Gaol, there to remain, without Bail, until he shall have rendered such Accounts, and produced and delivered up all such Vouchers, Receipts, Books, Papers, Writings, Property, Effects, Matters, and Things in respect of which the Charge was made; and if it appear that the Party charged has failed to pay over any such Monies as aforesaid, and that he still fails or refuses so to do, the last-mentioned Justices may, by a like Warrant, cause the same to be levied by Distress and Sale of his Goods and Chattels, and in default of any sufficient Distress commit him to Gaol, there to remain, without Bail, for a Period of Three Months, unless such Monies be sooner paid: Provided always, that if the Complainant, by Deposition on Oath, show to the Satisfaction of any Justice that there is probable Cause for believing that the Party charged intends to abscond, such Justice may, without previous Summons, by Warrant under his Hand and Seal cause him to be forthwith apprehended; and in such Case the said Party shall, within

Local Officers.

Summary Proceedings to be taken in case of failing to account, &c.

Local Officers.

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within Twenty-four Hours after Apprehension, be brought before the same or some other Justice, who may order that he be discharged from Custody, if such Justice think that there is no sufficient Ground for Detention, or that he be further detained until he be brought before Two Justices at a Time and Place to be named in the Order, unless Bail to the Satisfaction of the Justice be given for the Appearance of the Party before such Two Justices: Provided also, that no such Proceeding shall be construed to relieve or discharge any Surety of the Offender from any Liability whatsoever.

Power to ap-
point an Officer
of Health.

XL. And be it enacted, That the Local Board of Health may from Time to Time, if they shall think fit, appoint a fit and proper Person, being a legally qualified Medical Practitioner or Member of the Medical Profession, to be and be called the Officer of Health, who shall be removable by the said Local Board, and shall perform such Duties as the said General Board shall direct; and the same Person may be Officer of Health for Two or more Districts; and the Local Board or Boards of Health of the District or Districts respectively for which any such Officer is appointed may pay to him, out of the General District Rates to be levied under this Act, such Remuneration by way of annual Salary or otherwise as the said Local Board or Boards may by Order in Writing determine and appoint, and (in case of a joint Appointment for Two or more Districts) in such Proportions as the said General Board may by Order in Writing determine and appoint: Provided always, that the Appointment and Removal of the Officer of Health shall be subject to the Approval of ~~the said~~ General Board.

District Maps,
&c.

Map exhibiting
System of
Sewerage.

XLI. And be it enacted, That the said Local Board of Health may, if they shall think fit, cause to be prepared, or to procure, a Map exhibiting a System of Sewerage for effectually draining their District for the Purposes of this Act, upon a Scale to be prescribed by the General Board of Health; and every such Map shall be kept at the Office of the said Local Board, and shall at all reasonable Times be open to the Inspection of the Rate-payers of the District to which it applies.

Expense of
Surveys, &c.

XLII. And be it enacted, That the Expense of Surveys, Maps, or Plans made, prepared, or procured by the Local Board of Health for the Purposes of this Act shall be defrayed out of the General District Rates to be levied under this Act.

Sewers.

Sewers, &c.
vested in Local
Board.

XLIII. And be it enacted, That all Sewers, whether existing at the Time when this Act is applied or made at any Time thereafter, (except Sewers made by any Person or Persons for his or their own Profit, or for the Profit of Proprietors or Shareholders, and except Sewers made and used for the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament, or for the Purpose of irrigating Land, and Sewers under the Authority of any Commissioners of Sewers appointed by the Crown,) together with all Buildings, Works, Materials, and Things belonging or appertaining thereto, shall vest in, belong to, and be entirely under the Management and Control of the Local Board of Health.

XLIV. And

XLIV. And be it enacted, That the Local Board of Health may, if they shall think fit, purchase the Rights, Privileges, Powers, and Authorities vested in any Person for making Sewers, or contract for the Use of any Sewers within their District, or purchase any such Sewers, with or without the Buildings, Works, Materials, and Things belonging or appertaining thereto; and any Person to whom any such Rights, Privileges, Powers, Authorities, Sewers, Buildings, Works, Materials, or Things belong may sell and dispose of the same to or otherwise contract with the said Local Board; and in case of any such Sale, the Purchase Money shall be settled and applied to the same Uses and Trusts to which the Property purchased may have been subject at the Time of such Sale, and the Property purchased shall vest in and belong to the Local Board of Health purchasing the same, anything to the contrary notwithstanding: Provided always, that, notwithstanding any such Purchase, any Person who previously thereto may have acquired perpetual Right to use any Sewer so purchased shall be entitled to use the same, or any other Sewer substituted in lieu thereof, in as full and ample a Manner as he would or might have done if such Purchase had not been made.

Sewers.
Power to purchase, &c.
certain Sewers.

XLV. And be it enacted, That the Local Board of Health shall from Time to Time repair the Sewers vested in them by this Act, and shall cause to be made such Sewers as may be necessary for effectually draining their District for the Purposes of this Act; and the said Local Board may carry any such Sewers through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street, and, after reasonable Notice in Writing in that Behalf, (if upon the Report of the Surveyor it should appear to be necessary,) into, through, or under any Lands whatsoever; and the said Local Board may from Time to Time enlarge, lessen, alter, arch over, or otherwise improve all or any of the Sewers vested in them by this Act, and discontinue, close up, or destroy such of them as they may deem to have become unnecessary: Provided always, that the Discontinuance, closing up, or Destruction of any Sewer shall be so done as not to create a Nuisance; and if by reason thereof any Person is deprived of the lawful Use of any Sewer the said Local Board shall provide some other Sewer as effectual for his Use as the one of which he is so deprived.

Making, Alteration, and Discontinuance of Sewers vested in Local Board.

XLVI. And be it enacted, That the Local Board of Health shall cause the Sewers vested in them by this Act to be constructed, covered, and kept so as not to be a Nuisance or injurious to Health, and to be properly cleared, cleansed, and emptied; and for the Purpose of clearing, cleansing, and emptying the same they may construct and place, either above or under ground, such Reservoirs, Sluices, Engines, and other Works as may be necessary, and may cause all or any of such Sewers to communicate with and be emptied into such Places as may be fit and necessary, or to cause the Sewage and Refuse

As to cleansing and emptying Sewers, &c. by Local Board.

Sewers.

Penalty for
making unau-
thorized Sewers,
and building
over Sewers and
under Streets.

Refuse therefrom to be collected for Sale for any Purpose whatsoever, but so as not to create a Nuisance.

XLVII. And be it enacted, That it shall not be lawful to cause any Sewer or Drain to communicate with or to be emptied into any Sewer of the Local Board of Health, nor to cause any Building to be newly erected over any such last-mentioned Sewer, nor to cause any Vault, Arch, or Cellar to be newly built or constructed under the Carriageway of any Street, without the written Consent of the said Local Board first had and obtained; and whosoever offends against this Enactment shall forfeit to the said Local Board the Sum of Five Pounds, and a further Penalty of Forty Shillings for every Day during which the Offence is continued after Notice in Writing from them in this Behalf; and if any Sewer, Drain, Building, Vault, Arch, or Cellar be made, erected, or constructed contrary to this Enactment the said Local Board may cause the same to be altered, pulled down, or otherwise dealt with as they may think fit, and the Expenses incurred by them in so doing shall be repaid to them by the Offender, and be recoverable from him in the summary Manner herein-after provided.

Use of Sewers
by Persons
beyond Dis-
trict.

XLVIII. And be it enacted, That any Owner or Occupier of Premises adjoining or near to but beyond the Limits of any District may cause any Sewer or Drain of or from such Premises to communicate with any Sewer of the Local Board of Health upon such Terms and Conditions as shall be agreed upon between such Owner and Occupier and such Local Board, or, in case of Dispute, as shall be settled by Arbitration in the Manner provided by this Act.

*Drains,
Privies, &c.*

No new House
to be built
without Drains,
&c.

XLIX. And be it enacted, That it shall not be lawful newly to erect any House, or to rebuild any House which may have been pulled down to or below the Floor commonly called the Ground Floor, or to occupy any House so newly erected or rebuilt, unless and until a covered Drain or Drains be constructed, of such Size and Materials, and at such Level, and with such Fall as upon the Report of the Surveyor shall appear to be necessary and sufficient for the proper and effectual Drainage of the same and its Appurtenances; and if the Sea, or a Sewer of the Local Board of Health, or a Sewer which they are entitled to use, be within One hundred Feet of any Part of the Site of the House to be built or rebuilt, the Drain or Drains so to be constructed shall lead from and communicate with such one of those Means of Drainage as the said Local Board shall direct, or if no such Means of Drainage be within that Distance, then the last-mentioned Drain or Drains shall communicate with and be emptied into such covered Cesspool or other Place, not being under any House, and not being within such Distance from any House, as the said Local Board shall direct; and whosoever erects or rebuilds any House or constructs any Drain contrary to this Enactment shall be liable for every such Offence to a Penalty not exceeding Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt; and if at any Time, upon the Report of the

Surveyor, it appear to the said Local Board that any House, whether built before or after the Time when this Act is applied to the District in which it is situate, is without any Drain, or without such a Drain or Drains communicating with the Sea or a Sewer as is or are sufficient for the proper and effectual Drainage of the same and its Appurtenances, and if the Sea, or a Sewer of the said Local Board, or a Sewer which they are entitled to use, be within One hundred Feet of any Part of such House, they shall cause Notice in Writing to be given to the Owner or Occupier of such House, requiring him forthwith, or within such reasonable Time as shall be specified therein, to construct and lay down, in connexion with such House and One of those Means of Drainage, One or more covered Drain or Drains, of such Materials and Size, at such Level, and with such Fall as upon the last-mentioned Report shall appear to be necessary; and if such Notice be not complied with the said Local Board may, if they shall think fit, do the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be recoverable by them from the Owner in a summary Manner, or, by Order of the said Local Board, shall be declared to be Private Improvement Expenses, and be recoverable as such in manner herein-after provided.

Local Board may, upon Report of Surveyor that any House is without a Drain, cause one to be constructed, &c.

L. And be it enacted, That if it shall appear to a Majority of not less than Three Fifths of the rated Inhabitants of any Parish or Place containing less than Two thousand Inhabitants on the then last Census, in which this Act shall not have been applied by Order in Council or Provisional Order as aforesaid, assembled at a Public Meeting to be called as is herein-after provided, that it would contribute to the Health and Convenience of the Inhabitants that any Pond, Pool, open Ditch, Sewer, Drain, or Place containing or used for the Collection of any Drainage, Filth, Water, Matter, or Thing of an offensive Nature, or likely to be prejudicial to Health, should be drained, cleansed, covered, or filled up, or that a Sewer should be made or improved, a Well dug, or a Pump provided, for the public Use of the Inhabitants, the Churchwardens and Overseers of such Parish or Place shall procure a Plan and an Estimate of the Cost of executing such Works, or any of them, and shall lay the same before another public Meeting of such rated Inhabitants, to be called as is herein-after provided; and if the same shall be approved and sanctioned by a Majority of the rated Inhabitants assembled at such last-mentioned Meeting, such Churchwardens and Overseers shall cause the Works in respect of which such Estimate shall have been made and sanctioned as aforesaid to be executed, and shall pay the Cost thereof out of the Poor Rates of such Parish or Place: Provided always, that Notice of every such Meeting shall be given by such Churchwardens and Overseers as is by this Act directed to be given by Superintending Inspectors, before proceeding upon Inquiries previously to the Application of this Act, and every such Notice shall also contain a Statement of the Works proposed or intended to be submitted for Consideration and Approval.

Execution of minor Works by Overseers, &c.

As to Construction of Sewers, Wells, Pumps, &c. for Parishes, &c. with less than 2,000 Inhabitants, and in which this Act is not otherwise applied.

LI. And

and the Expenses incurred by them in so doing shall be recoverable by them from the Owner in a summary Manner, or, by Order of the said Local Board, shall be declared to be Private Improvement Expenses, and be recoverable as such in the Manner herein-after provided.

*Surface
Cleansing, &c.*

Cleansing of
Streets, Re-
moval of Dust,
&c.

LV. And be it enacted, That the Local Board of Health shall from Time to Time and at all convenient Times provide that all Streets within their District, including the Foot Pavements thereof, are properly swept, cleansed, and watered, and that all Dust, Ashes, Rubbish, Filth, Dung, and Soil thereon are collected and removed; and they may make Bye Laws with respect to the Removal by the Occupier, or (in case of his Default) by the said Local Board, of Dust, Ashes, Rubbish, Filth, Manure, Dung, and Soil collected, placed, or found in or about any House, Stable, Cowhouse, Street, or Place whatsoever, and for preventing the Deposit thereof in or by the Side of any Street, or so as to be a Nuisance to any Person, and with respect to the Times and Manner of cleansing and emptying Waterclosets, Privies, and Cesspools.

Local Board to
cause Places
for Deposit of
Dust, Soil, &c.
to be provided.

LVI. And be it enacted, That the Local Board of Health may, in their Discretion, provide, in proper and convenient Situations, Boxes or other Conveniences for the temporary Deposit and Collection of Dust, Ashes, and Rubbish, and also fit Buildings and Places for the Deposit of the Sewage, Soil, Dung, Filth, Ashes, Dust, and Rubbish collected by such Board; and all Sewage, Soil, Dung, Filth, Ashes, Dust, and Rubbish so collected by the said Local Board, or in any Convenience provided as aforesaid, shall be vested in and be sold and disposed of by such Board, and the Proceeds thereof shall be carried to the District Fund Account herein-after mentioned; and whosoever, without the Consent of the said Local Board, collects or removes any Sewage, Soil, Dung, Filth, Ashes, Dust, or Rubbish belonging to them, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Public Nec-
essaries.

LVII. And be it enacted, That the Local Board of Health may, if they think fit, provide and maintain, in proper and convenient Situations, Waterclosets, Privies, and other similar Conveniences for public Accommodation, and defray the necessary Expenses out of the District Rates to be levied under this Act.

Nuisances.

Offensive
Ditches, Drains,
&c. to be
cleansed or
covered.

LVIII. And be it enacted, That the Local Board of Health shall drain, cleanse, cover, or fill up, or cause to be drained, cleansed, covered, or filled up, all Ponds, Pools, open Ditches, Sewers, Drains, and Places containing or used for the Collection of any Drainage, Filth, Water, Matter, or Thing of an offensive Nature, or likely to be prejudicial to Health; and they shall cause written Notice to be given to the Person causing any such Nuisance, or to the Owner or Occupier of any Premises whereon the same exists, requiring him, within a Time to be specified in such Notice, to drain, cleanse, cover, or fill up any such Pond, Pool Ditch, Sewer, Drain, or Place, or to construct a proper Sewer or Drain for the Discharge, thereof, as the Case may require;

require; and if the Person to whom such Notice is given fail to comply therewith, the said Local Board shall execute the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be recoverable by them from him in a summary Manner, or by Order of the said Local Board shall be declared to be Private Improvement Expenses, and be recoverable as such in the Manner herein-after provided: Provided always, that the said Local Board may order that the whole or a Portion of the Expenses incurred in respect of any such last-mentioned Works be defrayed out of the Special or General District Rates to be levied under this Act, and in case of any such Order the whole or such Portion of the Expenses as may be mentioned therein shall be defrayed and levied accordingly.

LIX. And be it enacted, That whosoever keeps any Swine or Pigstye in any Dwelling House, or so as to be a Nuisance to any Person, or suffers any waste or stagnant Water to remain in any Cellar or Place within any Dwelling House for Twenty-four Hours after written Notice to him from the Local Board of Health to remove the same, and whosoever allows the Contents of any Watercloset, Privy, or Cesspool to overflow or soak therefrom, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings, and to a further Penalty of Five Shillings for every Day during which the Offence is continued; and the said Local Board shall abate or cause to be abated every such Nuisance, and the Expenses incurred by them in so doing shall be repaid to them by the Occupier of the Premises upon which the same exists, and be recoverable from him in the summary Manner herein-after provided; and if at any Time it appear to the Inspector of Nuisances that any Accumulation of Manure, Dung, Soil, or Filth, or other offensive or noxious Matter whatsoever, ought to be removed, he shall give Notice to the Person to whom the same belongs, or to the Occupier of the Premises whereon it exists, to remove the same; and if at the Expiration of Twenty-four Hours after such Notice the same be not complied with, the Manure, Dung, Soil, or Filth, or Matter referred to, shall be vested in and be sold or disposed of by the said Local Board, and the Proceeds thereof shall be carried to the District Fund Account herein-after mentioned.

LX. And be it enacted, That if upon the Certificate of the Officer of Health (if any), or of any Two Medical Practitioners, it appear to the Local Board of Health that any House or Part thereof is in such a filthy or unwholesome Condition that the Health of any Person is affected or endangered thereby, or that the whitewashing, cleansing, or purifying of any House or Part thereof would tend to prevent or check infectious or contagious Disease, the said Local Board shall give Notice in Writing to the Owner or Occupier of such House or Part thereof to whitewash, cleanse, or purify the same, as the Case may require; and if the Person to whom Notice is so given fail to comply therewith within such Time as shall be specified in the said Notice, he shall be liable to a Penalty not exceeding Ten Shillings for

Nuisances.

Penalties for keeping Swine, &c. in improper Situations, allowing waste Water to remain in Cellars, &c.

Removal of Filth, on Certificate of Inspector of Nuisances.

Houses to be purified, on Certificate of Officer of Health, or of Two Medical Practitioners.

every Day during which he continues to make default; and the said Local Board may, if they shall think fit, cause such House, Building, or Part thereof to be whitewashed, cleansed, or purified, and the Expenses incurred by them in so doing shall be repaid by the Owner or Occupier in default, and be recoverable from either of them in the summary Manner herein-after provided.

Slaughter-houses, &c.

Slaughter-houses to be registered.

LXI. And be it enacted, That every Building or Place used as a Slaughter-house shall, within Three Months after this Act is applied to the District in which it is situate, or, in the Case of a Building or Place newly used as a Slaughter-house after that Time, within Three Months after the Commencement of such User, be registered by the Owner or Occupier thereof at the Office of the said Local Board, in a Book which shall be kept by such Board for that Purpose; and whosoever uses or suffers to be used any Building or Place as a Slaughter-house without its being registered as required by this Act shall be liable for every such Offence to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Ten Shillings for every Day during the Continuance of the Offence after written Notice thereof from the said Local Board.

Local Board may provide Slaughter-houses, and make Bye Laws with respect to Slaughter-houses in general.

LXII. And be it enacted, That the Local Board of Health may from Time to Time, if they shall think fit, provide Premises for the Purpose of being used as Slaughter-houses; and they shall make Bye Laws for and with respect to the Management and Charges for the Use of the Premises so provided, and with respect to the Inspection of all Slaughter-houses, and for keeping the same in a cleanly and proper State: Provided always, that nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities of any Persons incorporated by any Local Act of Parliament passed before the passing of this Act for the Purpose of making and maintaining Slaughter-houses for the Accommodation of any City, Town, Borough, or Place.

Power to Inspector of Nuisances to enter Places used for Sale of Butcher's Meat, &c.

LXIII. And be it enacted, That the Inspector of Nuisances may, and he is hereby empowered, at all reasonable Times, with or without Assistants, to enter into and inspect any Shop, Building, Stall, or Place kept or used for the Sale of Butcher's Meat, Poultry, or Fish, or as a Slaughter-house, and to examine any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish which may be therein; and in case any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish appear to him to be intended for the Food of Man, and to be unfit for such Food, the same may be seized; and if it appear to a Justice, upon the Evidence of a competent Person, that any such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish is unfit for the Food of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Animal or Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, so found, which Penalty may be recovered

recovered before Two Justices in the Manner herein-after provided with respect to Penalties the Recovery whereof is not expressly provided for.

Slaughter-houses, &c.

LXIV. And be it enacted, That the Business of a Blood-boiler, Bone-boiler, Fellmonger, Slaughterer of Cattle, Horses, or Animals of any Description, Soap-boiler, Tallow-melter, Tripe-boiler, or other noxious or offensive Business, Trade, or Manufacture, shall not be newly established in any Building or Place, after this Act is applied to the District in which such Building or Place is situate, without the Consent of the Local Board of Health, unless the said General Board shall otherwise direct; and whosoever offends against this Enactment shall be liable for each Offence to a Penalty of Fifty Pounds, and a further Penalty of Forty Shillings for each Day during which the Offence is continued; and the said Local Board may from Time to Time make such Bye Laws with respect to any such Businesses so newly established as they may think necessary and proper, in order to prevent or diminish the noxious or injurious Effects thereof.

Offensive Trades newly established to be subject to Regulation of Local Board of Health.

LXV. And be it declared and enacted, That nothing in this Act shall be construed to render lawful any Act, Matter, or Thing whatsoever which but for this Act would be deemed to be a Nuisance, nor to exempt any Person from any Liability, Prosecution, or Punishment to which he would have been otherwise subject in respect thereof.

Act not to affect present Law as to Nuisances.

LXVI. And be it enacted, That it shall not be lawful to keep any common public Lodging House unless the same be registered as next herein-after mentioned; and the Local Board of Health shall cause a Register to be kept, in which shall be entered the Name of every Person applying to register any common Lodging House kept by him, and the Situation of every such House; and the said Local Board shall from Time to Time make Bye Laws, for fixing the Number of Lodgers who may be received into each House so registered, for promoting Cleanliness and Ventilation therein, and with respect to the Inspection thereof, and the Conditions and Restrictions under which such Inspection may be made; and the Person keeping any such Lodging House shall give Access to the same when required by any Persons who shall produce the written Authority of the said Local Board in this Behalf, for the Purpose of inspecting the same, or for introducing or using therein any disinfecting Process, and the Expenses incurred by the said Local Board in so introducing or using any disinfecting Process shall be recoverable by them in a summary Manner from the Person keeping the Lodging House in which the same shall have been used or introduced; and whosoever shall receive Lodgers in any common Lodging House without having registered the same as required by this Act, or shall refuse to admit therein, at any Time between the Hour of Eleven in the Forenoon and the Hour of Four in the Afternoon, any Person authorized by the said Local Board as last aforesaid, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Lodging Houses.

Common Lodging Houses to be registered.

Penalty on Neglect.

*Occupation of
Cellars, &c.*

Cellars, &c.
newly built not
to be let as
Dwelling
Rooms.

No Cellars, &c.
to be let except
under certain
Conditions.

LXVII. And be it enacted, That it shall not be lawful to let or occupy or suffer to be occupied separately as a Dwelling any Vault, Cellar, or underground Room built or rebuilt after the passing of this Act, or which shall not have been so let or occupied before the passing of this Act; and it shall not be lawful to let or continue to let, or to occupy or suffer to be occupied, separately as a Dwelling, any Vault, Cellar, or underground Room whatsoever, unless the same be in every Part thereof at least Seven Feet in Height, measured from the Floor to the Ceiling thereof, nor unless the same be at least Three Feet of its Height above the Surface of the Street or Ground adjoining or nearest to the same, nor unless there be outside of and adjoining the same Vault, Cellar, or Room, and extending along the entire Frontage thereof, and upwards from Six Inches below the Level of the Floor thereof up to the Surface of the said Street or Ground, an open Area of at least Two Feet and Six Inches wide in every Part, nor unless the same be well and effectually drained by means of a Drain the uppermost Part of which is One Foot at least below the Level of the Floor of such Vault, Cellar, or Room, nor unless there be appurtenant to such Vault, Cellar, or Room the Use of a Watercloset or Privy and an Ashpit, furnished with proper Doors and Coverings, kept and provided according to the Provisions of this Act, nor unless the same have a Fireplace with a proper Chimney or Flue, nor unless the same have an external Window of at least Nine Superficial Feet in Area clear of the Sash Frame, and made to open in such Manner as shall be approved by the Surveyor, except in the Case of an inner or back Vault, Cellar, or Room let or occupied along with a front Vault, Cellar, or Room as Part of the same letting or Occupation, in which Case the external Window may be of any Dimensions, not being less than Four Superficial Feet in Area clear of the Sash Frame; and whosoever lets, occupies, or continues to let, or knowingly suffers to be occupied, for Hire or Rent, any Vault, Cellar, or underground Room, contrary to this Act, shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings for every Day during which the same continues to be so let or occupied after Notice in Writing from the Local Board of Health in this Behalf: Provided always, that in any Area adjoining a Vault, Cellar, or underground Room there may be Steps necessary for Access to such Vault, Cellar, or Room, if the same be so placed as not to be over, across, or opposite to the said external Window, and so as to allow between every Part of such Steps and the external Wall of such Vault, Cellar, or Room a clear Space of Six Inches at the least, and that over or across any such Area there may be Steps necessary for Access to any Building above the Vault, Cellar, or Room to which such Area adjoins, if the same be so placed as not to be over, across, or opposite to any such external Window: Provided also, that every Vault, Cellar, or underground Room in which any Person passes the Night shall be deemed to be occupied as a Dwelling within the Meaning of this Act: Provided also, that the Provisions of this

this Act with respect to the letting and Occupation of Vaults, Cellars, and underground Rooms shall not, so far as the same relate to Vaults, Cellars, and underground Rooms which shall have been let or occupied as Dwellings before the passing of this Act, come into force or operation until the Expiration of One Year from the passing of this Act, nor within any District until the Expiration of Six Months from the Time when this Act shall have been applied thereto; and all Churchwardens and Overseers of the Poor shall from Time to Time after the passing of this Act cause public Notice of the Provisions of this Act with respect to the letting and Occupation of Vaults, Cellars, and underground Rooms to be given in such Manner as may appear to them to be best calculated to make the same generally known.

Act not to come into operation until the Expiration of a certain Time, in case of Cellars, &c. already occupied as Dwellings.

Churchwardens, &c. to give Notice of Enactment.

LXVIII. And be it enacted, That all present and future Streets, being or which at any Time become Highways within any District, and the Pavements, Stones, and other Materials thereof, and all Buildings, Implements, and other Things provided for the Purposes thereof by any Surveyor of Highways, or by any Person serving the Office of Surveyor of Highways, shall vest in and be under the Management and Control of the said Local Board of Health; and the said Local Board shall from Time to Time cause all such Streets to be levelled, paved, flagged, channelled, altered, and repaired, as and when Occasion may require, and they may from Time to Time cause the Soil of any such Street to be raised, lowered, or altered as they may think fit, and place and keep in repair Fences and Posts for the Safety of Foot Passengers; and whosoever wilfully displaces, takes up, or injures the Pavement, Stones, Materials, Fences, or Posts of any such Street, without the Consent of the said Local Board, shall be liable for every such Offence to a Penalty not exceeding Five Pounds, and a further Sum not exceeding Five Shillings for every Square Foot of the Pavement, Stones, or other Materials so displaced, taken up, or injured.

Management Streets.

Management of Streets vested in Local Board.

LXIX. And be it enacted, That in case any present or future Street, or any Part thereof, (not being a Highway,) be not sewered, levelled, paved, flagged, and channelled to the Satisfaction of the Local Board of Health, such Board may, by Notice in Writing to the respective Owners or Occupiers of the Premises fronting, adjoining, or abutting upon such Parts thereof as may require to be sewered, levelled, paved, flagged, or channelled, require them to sewer, level, pave, flag, or channel the same within a Time to be specified in such Notice; and if such Notice be not complied with, the said Local Board may, if they shall think fit, execute the Works mentioned or referred to therein; and the Expenses incurred by them in so doing shall be paid by the Owners in default, according to the Frontage of their respective Premises, and in such Proportion as shall be settled by the Surveyor, or in case of Dispute as shall be settled by Arbitration (having regard to all the Circumstances of the Case) in the Manner provided by this Act; and such Expenses may be recovered from the last-mentioned Owners in a summary Manner,

Power to compel paving, &c. of private Streets.

Management of Streets.

Certain Streets not Highways to be deemed such, and repaired by Local Board.

Manner, or the same may be declared by Order of the said Local Board to be Private Improvement Expenses, and be recoverable as such in the Manner herein-after provided.

LXX. And be it enacted, That if any present or future Street, not being a Highway at the Time when this Act is applied to the District in which it is situate, be sewered, levelled, paved, flagged, and channelled to the Satisfaction of the Local Board of Health, the said Local Board may, if they shall think fit, by Notice in Writing put up in any Part of the Street, declare the same to be a Highway, and thereupon the same shall become a Highway, and be from Time to Time repaired by them out of the Rates levied in that Behalf under the Authority of this Act; and every such Notice shall be entered amongst the Proceedings of the said Local Board: Provided always, that no Street shall become a Highway as last aforesaid if within One Month after Notice in Writing shall have been put up as last aforesaid the Proprietor of such Street, or the Person representing or entitled to represent such Proprietor, shall by Notice in Writing to the said Local Board object thereto.

Power to require Gas and Water Pipes to be moved.

LXXI. And be it enacted, That if and when for the Purposes of this Act the Local Board of Health deem it necessary to raise, sink, or otherwise alter the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks laid in or under any Street, they may by Notice in Writing require the Person to whom the Pipes, Mains, Plugs, or Works belong to raise, sink, or otherwise alter the Situation of the same in such Manner and within such reasonable Time as shall be specified in such Notice, and the Expenses attendant upon or connected with any such Alteration shall be paid by the said Local Board out of the General District Rates levied under this Act; and if such Notice be not complied with the said Local Board may make the Alteration required: Provided always, that no such Alteration shall be required or made which will permanently injure any such Pipes, Mains, Plugs, or Works, or prevent the Water or Gas from flowing as freely and conveniently as usual; provided also, that where under any Local Act of Parliament the Expenses attendant upon or connected with the raising, sinking, or otherwise altering the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks, are or shall be directed to be borne by the Person to whom such Pipes or Works belong, his Liability in that respect shall continue in the same Manner and under the same Conditions in all respects as if this Act had not been passed.

Notice to be given to Local Board before laying out new Streets, who shall fix the Levels and Widths thereof.

LXXII. And be it enacted, That One Month at the least before any Street is newly laid out as aforesaid written Notice shall be given to the Local Board of Health, showing the intended Level and Width thereof; and the Level and Width of every such Street shall be fixed by the said Local Board, and it shall not be lawful to lay out, make, or build upon any such Street otherwise than in accordance with the Level and Width so fixed, unless, upon Disapproval by the said Local Board of the Level or Width specified in such Notice, the General Board

of

of Health shall otherwise direct; and whosoever shall lay out, make, or build upon any such Street otherwise than in accordance with the Level and Width fixed by the said Local Board, or approved by the said General Board, shall be liable for every such Offence to a Penalty not exceeding Twenty Pounds for every Day during which he shall permit or suffer such Street to continue to be so improperly laid out, made, or built upon; and the said Local Board may, if they shall think fit, cause any such Street laid out or made at a Level or Width otherwise than in accordance with the Level and Width so fixed or approved as aforesaid, or any Building built in any such Street otherwise than in accordance with such Level and Width, to be altered in such Manner as the Case may require, and the Expenses incurred by them in so doing shall be repaid to them by the Offender, and be recoverable from him in a summary Manner: Provided always, that if no such Level or Width be fixed, and no Approval or Disapproval of the Level or Width proposed be signified by the said Local Board within One Month from the last-mentioned Notice, the intended Street may be laid out and made upon the Level and of the Width specified in such Notice, if the same be otherwise in accordance with the other Provisions of this Act.

LXXIII. And be it enacted, That the said Local Board may, by Agreement, purchase any Premises for the Purpose of widening, opening, enlarging, or otherwise improving any Street; and any Part of the Premises so purchased which shall not be wanted for that Purpose shall be resold at the best Price that can be gotten for the same, and the Proceeds of such Resale shall be carried to the District Fund Account herein-after mentioned.

LXXIV. And be it enacted, That the Local Board of Health, with the Approval of the said General Board, may provide, maintain, lay out, plant, and improve Premises for the Purpose of being used as public Walks or Pleasure Grounds, and support or contribute towards any Premises provided for such Purposes by any Person whomsoever.

LXXV. And be it enacted, That the Local Board of Health may provide their District with such a Supply of Water as may be proper and sufficient for the Purposes of this Act, and for private Use to the Extent required by this Act; and for those Purposes, or any of them, the said Local Board may from Time to Time, with the Approval of the General Board of Health, contract with any Person whomsoever, or purchase, take upon Lease, hire, construct, lay down, maintain such Waterworks, and do and execute all such Works, Matters, and Things as shall be necessary and proper; and any Waterworks Company may contract with the Local Board of Health to supply Water for the Purposes of this Act in any Manner whatsoever, or may sell and dispose of or lease their Waterworks to any Local Board of Health willing to take the same; and the said Local Board may provide and keep in any Waterworks constructed or laid down by them under the Powers of this Act a Supply of pure and wholesome Water, and the Water so supplied may be constantly

Management of Streets.

Local Board may purchase Premises in order to improve Streets.

Public Pleasure Grounds.

Local Board may provide Places of public Recreation, &c.

Supply of Water.

Local Board to provide sufficient Supplies of Water, and may erect Waterworks, &c.

In case of Waterworks constructed by Local Board, the Water may be kept constantly under Pressure.

Supply of Water.

Local Board
not to construct
Waterworks, &c.
if any Water-
works Company
within their
District be able
and willing to
supply Water
upon Terms.

stantly laid on at such Pressure as will carry the same to the top Story of the highest Dwelling House within the District supplied: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act within any Limits within, for, or in respect of which any Waterworks Company shall have been established for supplying Water, the said Local Board shall give Notice in Writing to every Waterworks Company within whose Limits the said Local Board may be desirous of laying on or supplying Water, stating the Purposes for and (as far as may be practicable) the Extent to which Water is required by the said Local Board; and it shall not be lawful for the said Local Board to construct or lay down any Waterworks within such Limits, if and so long as any such Company shall be able and willing to lay on Water proper and sufficient for all reasonable Purposes for which it is required by the said Local Board, and upon such Terms as shall be certified to be reasonable by the General Board of Health, after Inquiry and Report by a Superintending Inspector in this Behalf, or (in case such Company shall be dissatisfied with such Certificate) upon such Terms as shall be settled by Arbitration in the Manner provided by this Act; and in case any Difference shall arise as to whether the Water which any such Company is able and willing to supply or lay on is proper and sufficient for the Purposes for which it is required by the said Local Board, or whether the Purposes for which it is required are reasonable, the same shall be settled by Arbitration in the Manner provided by this Act.

Local Board
may require
that Houses be
supplied with
Water, &c. in
certain Cases.

LXXVI. And be it enacted, That if upon the Report of the Surveyor it appear to the Local Board of Health that any House is without a proper Supply of Water, and that such a Supply of Water can be furnished thereto at a Rate not exceeding Two-pence *per* Week, the said Local Board shall give Notice in Writing to the Occupier, requiring him, within a Time to be specified therein, to obtain such Supply, and to do all such Works as may be necessary for that Purpose; and if such Notice be not complied with the said Local Board may, if they shall think fit, do such Works, and obtain such Supply accordingly, and make and levy Water Rates upon the Premises, not exceeding in the whole the Rate of Two-pence *per* Week, in manner herein-after provided, as if the Owner or Occupier of the Premises had demanded a Supply of Water, and were willing to pay Water Rates for the same; and the Expenses incurred by them in doing such Works as last aforesaid shall be Private Improvement Expenses, and be recoverable as such in the Manner herein-after provided.

Water for pub-
lic Baths, or
trading or
manufacturing
Purposes.

LXXVII. And be it enacted, That the Local Board of Health may, if they shall think fit, supply Water from any Waterworks purchased or constructed by them under this Act to any public Baths or Wash-houses, or for trading or manufacturing Purposes, upon such Terms and Conditions as may be agreed upon between the said Local Board and the Persons desirous of being so supplied.

LXXVIII. And

LXXVIII. And be it enacted, That the Local Board of Health may cause all existing public Cisterns, Pumps, Wells, Reservoirs, Conduits, Aqueducts, and Works used for the gratuitous Supply of Water to the Inhabitants to be continued, maintained, and plentifully supplied with Water, or they may substitute, continue, maintain, and plentifully supply with Water other such Works equally convenient; and the said Local Board may, if they shall think fit, construct any Number of new Cisterns, Pumps, Wells, Conduits, and Works for the gratuitous Supply of any public Baths or Wash-houses established otherwise than for private Profit or supported out of any Poor or Borough Rates.

Supply of Water.

Maintenance
and Construc-
tion of public
Cisterns for gra-
tuitous Use.

LXXIX. And be it enacted, That whosoever shall wilfully or carelessly break, injure, or open any Lock, Cock, Waste Pipe, or Waterworks belonging to or under the Management or Control of the Local Board of Health, or constructed, continued, or maintained under this Act, in any Parish or Place in which there shall be no Local Board of Health, or shall unlawfully flush, draw off, divert, or take Water from any Waterworks belonging to or under the Management or Control of the said Local Board, or so constructed, continued, or maintained in any such Parish or Place, or from any Waters or Streams by which such Waterworks are supplied, or shall wilfully or negligently waste or cause to be wasted any Water with which he is supplied by the said Local Board, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Penalty of Twenty Shillings for each Day whilst the Offence is continued after written Notice in that Behalf, which Penalties shall be paid to the said Local Board, or in the Case of a Parish or Place in which there shall be no Local Board of Health, to the Churchwardens and Overseers of the Poor, to be by them applied in aid of the Rate for the Relief of the Poor of such Parish or Place: Provided always, that nothing herein contained shall prevent the Owner or Occupier of any Premises through or by which any Streams may flow from using the same as they would have been entitled to do if this Act had not been passed.

Penalty for in-
juring Water-
works, diverting
Streams, or
wasting Water.

LXXX. And be it enacted, That whosoever shall bathe in any Stream, Reservoir, Conduit, Aqueduct, or other Waterworks belonging to or under the Management or Control of the Local Board of Health, or in any Reservoir, Conduit, Aqueduct, or other Waterworks constructed, continued, or maintained under this Act in any Parish or Place in which there shall be no Local Board of Health, or shall wash, cleanse, throw, or cause to enter therein any Animal, Rubbish, Filth, Stuff, or Thing of any Kind whatsoever, or shall cause or permit or suffer to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water, or shall do any Thing whatsoever whereby any Water belonging to the said Local Board or under their Management or Control, or whereby any Water of or contained in any such Reservoir, Conduit, Aqueduct, or other Waterworks so constructed, continued, or maintained in any such Parish or Place as aforesaid shall be fouled,

Penalties on
Persons for
causing Water
in Reservoirs to
be fouled;

Supply of Water.
—

and on Pro-
prietors of Gas-
works, &c.

fouled, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum of Twenty Shillings for each Day whilst the Offence is continued, after written Notice in that Behalf; which Penalties shall be paid to the said Local Board, or, in the Case of a Parish or Place in which there shall be no Local Board of Health, to the Churchwardens and Overseers of the Poor, to be by them applied in aid of the Rate for the Relief of the Poor of such Parish or Place; and whosoever, being Proprietor of any Gasworks, or being engaged or employed in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, Conduit, Aqueduct, or Waterworks belonging to or under the Management or Control of the said Local Board, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or shall wilfully do any Act connected with the Manufacture or Supply of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks is fouled, shall forfeit to the said Local Board for every such Offence the Sum of Two hundred Pounds, and, after the Expiration of Twenty-four Hours Notice in Writing from them in this Behalf, a further Sum of Twenty Pounds for every Day during which the Offence is continued, or during the Continuance of the Act whereby the Water is fouled; and every such Penalty shall be recoverable, with full Costs of Suit, by Action of Debt; and if any Water supplied by, belonging to, or under the Management or Control of the said Local Board be fouled in any Manner by the Gas of any such Proprietor or Person as last aforesaid, he shall forfeit to the Local Board for every such Offence a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Ten Pounds for every Day whilst the Offence is continued after the Expiration of Twenty-four Hours Notice in Writing from the said Local Board in this Behalf; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or Person the said Local Board may lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape; provided that before beginning so to do Twenty-four Hours Notice in Writing be given to the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, of the Time at which the Examination is intended to be made; and if upon such Examination it appear that the Water has been fouled by the Gas proceeding from or contained in the Pipes, Conduits, or Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, and be recoverable from him in the summary Manner herein-after provided; but if it appear that the Water has not been so fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the said Local Board out of the General District Rates levied under this Act, and be recoverable from them in the summary Manner herein-after provided.

LXXXI. And for the Purpose of preventing the manifold Evils occasioned by the Retention of the Dead in the Dwellings of the Poor, be it enacted, That the Local Board of Health may, if they shall think fit, provide, fit up, and make Bye Laws with respect to the Management and Charges for the Use of Rooms or Premises in which Corpses may be received and decently and carefully kept previously to Interment; and the said Local Board may, upon proper Application, and subject to such Regulations and at such Rates and Charges as shall be prescribed by any such Bye Laws, make all necessary Arrangements for the decent and economical Interment of any Corpse which may have been received into any Rooms or Premises so provided in pursuance of this Enactment.

*Reception
Houses for the
Dead.*

Power to provide Premises for the Reception of the Dead previously to Interment.

LXXXII. And be it enacted, That if upon the Representation of the Local Board of Health, and after Inquiry and Report by a Superintending Inspector, notified to the Lord Bishop of the Diocese, and made, notified, and published in manner hereinbefore directed with respect to the Inquiry and Report of Superintending Inspectors previously to the Constitution of a District under this Act, and after Inquiry by such other Ways and Means as the General Board of Health may think fit to direct, the said General Board shall certify (such Certificate to be published in the *London Gazette*, and in some One or more of the public Newspapers usually circulated within the District) that any Burial Ground situate within any District to which this Act is applied is in such a State as to be dangerous to the Health of Persons living in the Neighbourhood thereof, or that any Church or other Place of Public Worship within any such District is dangerous to the Health of Persons frequenting the same, by reason of the surcharged State of the Vaults or Graves within the Walls of or underneath the same, and that sufficient Means of Interment exist within a convenient Distance from such Burial Ground, Church, or Place of Public Worship, it shall not be lawful, after a Time to be named in such Certificate, to bury or permit or suffer to be buried any further Corpses or Coffins, in, within, or under the Ground, Church, or Place of Worship to which the Certificate relates, except in so far as may be allowed by such Certificate; and whosoever, after Notice of such Certificate, buries, or causes, permits, or suffers to be buried, any Corpse or Coffin contrary to this Enactment, shall for every such Offence be liable to a Penalty of Twenty Pounds.

Burial Grounds.

Burial Grounds, &c. dangerous to Health may be prohibited.

LXXXIII. And be it enacted, That no Vault or Grave shall be constructed or made within the Walls of or underneath any Church or other Place of Public Worship built in any District after the passing of this Act, and no Burial Ground shall be made or formed within any District after the passing of this Act, without the Consent of the General Board of Health first had and obtained, unless the same be made or formed upon Land purchased or authorized by Parliament to be appropriated for the Purpose of being used as a Burial Ground before the passing of this Act; and whosoever shall bury, or cause, permit, or suffer to be buried, any Corpse or Coffin in any Vault, Grave,

As to Interments within Churches or Burial Grounds newly erected or formed.

or

*Purchase, &c. of
Lands.*

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Power to Local
Boards to pur-
chase Lands, &c.
under 8 & 9 Vict.
c. 18.

or Burial Ground constructed, made, or formed contrary to this Enactment, shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, in an Action of Debt.

LXXXIV. And be it enacted, That the Local Board of Health, by Agreement, may purchase, or take upon Lease, sell, or exchange, any Lands or Premises for the Purposes of this Act; and the Lands Clauses Consolidation Act, 1845, except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands acquired by the Promoters of the Undertaking, but which shall not be wanted for the Purposes thereof, shall, in so far as the same is consistent with this Act, be incorporated with this Act; and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the Local Board of Health mentioned in this Act; and all Lands and Premises which shall be purchased, hired, or taken on Lease by the Local Board of Health of any Noncorporate District shall be conveyed, demised, and assured to such Local Board and their Successors, in trust for the Purposes of this Act, and shall be accepted, taken, and held by them as a Body Corporate.

Contracts.

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Contracts by
Local Board.

LXXXV. And be it enacted, That the Local Board of Health may enter into all such Contracts as may be necessary for carrying this Act into execution; and every such Contract whereof the Value or Amount shall exceed Ten Pounds shall be in Writing, and (in the Case of a Noncorporate District) sealed with the Seal of the Local Board by whom the same is entered into, and signed by Five or more Members thereof, and (in the Case of a Corporate District), sealed with the Common Seal, and shall specify the Work, Materials, Matters, or Things to be furnished, had, or done, the Price to be paid, and the Time or Times within which the Contract is to be performed, and shall fix and specify some pecuniary Penalty to be paid in case the Terms of the Contract are not duly performed; and every Contract so entered into, and duly executed by the other Parties thereto, shall be binding on the Local Board by whom the same is executed, and their Successors, and upon all other Parties thereto, and their Executors, Administrators, Successors, or Assigns, to all Intents and Purposes: Provided always, that the said Local Board may compound with any Contractor or other Person in respect of any Penalty incurred by reason of the Nonperformance of any Contract entered into as afore-said, whether such Penalty be mentioned in any such Contract, or in any Bond or otherwise, for such Sums of Money or other Recompence as to such Local Board may seem proper: Provided also, that before contracting for the Execution of any Works under the Provisions of this Act the said Local Board shall obtain from the Surveyor an Estimate in Writing, as well of the probable Expense of executing the Work in a substantial

Manner

Composition for
Penalties in
respect of
Breach of
Contracts.

Estimates to be
made before
commencing
Works.

Manner as of the annual Expense of repairing the same ; also a Report as to the most advantageous Mode of contracting, that is to say, whether by contracting only for the Execution of the Work, or for executing and also maintaining the same in repair during a Term of Years or otherwise : Provided also, that before any Contract of the Value or Amount of One hundred Pounds or upwards is entered into by the said Local Board Ten Days public Notice at the least shall be given expressing the Nature and Purpose thereof, and inviting Tenders for the Execution of the same ; and the said Local Board shall require and take sufficient Security for the due Performance of the same.

Contracts.
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As to Contracts
above the Value
of 100*l*.

LXXXVI. And be it enacted, That whenever any Expenses are incurred or to be incurred by the Local Board of Health in making, enlarging, altering, arching over, covering, or enclosing any Sewer vested or to be vested in them by this Act, or purchased or acquired by them by virtue thereof, or in or about any other Works, Matters, and Things of a permanent Nature, and executed or done for the Benefit of any District or Part of a District, the said Local Board shall make and levy, in respect of the Premises situate in the District or Part of a District for the Benefit of which the Expenses are incurred or to be incurred, a Rate or Rates, to be called Special District Rates, of such Amount as will be sufficient to discharge the Amount of such Expenses, and Interest thereon, within such Period, not exceeding Thirty Years, as the said Local Board shall in each Case determine : Provided always, with respect to the Cost of making any such new Sewer, that if it appear to the said Local Board that any Premises were sufficiently drained before the new Sewer was made, they shall deduct from the Amount of Rates otherwise chargeable in respect of such Premises such a Sum and for such Time as the said Local Board may, under all the Circumstances of the Case, deem to be just.

Rates.
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Special District
Rate.

LXXXVII. And be it enacted, That the Treasurer shall keep a separate Account, to be called "The District Fund Account," and the Monies carried to such Account under the Directions of this Act shall be applied by the Local Board of Health in defraying such of the Expenses incurred or to be incurred by the said Local Board in carrying this Act into execution, and not otherwise expressly provided for, as they may think proper ; and the said Local Board shall from Time to Time, when and as often as Occasion may require, make and levy, in addition to any other Rate, a Rate or Rates to be called "General District Rates," for defraying such Expenses as are charged upon that Rate by this Act, and such other Expenses of executing this Act in any District as are not provided for by any other Rate, or defrayed out of the said District Fund Account.

District Fund
Account to be
kept.

General Dis-
trict Rate.

LXXXVIII. And be it enacted, That the said Special and General District Rates shall be made and levied upon the Occupier (except in the Cases herein-after provided) of all such Kinds of Property as by the Laws in force for the Time being are or may be assessable to any Rate for the Relief of the Poor, and shall

Property assess-
able to Special
and General
District Rates.

Rates.

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If in any District there be no Rate for Relief of the Poor, Rates shall be made in manner prescribed by 6 & 7 W.4. c.66.

Exemptions under Local Acts.

Rates may be prospective or retrospective.

Assessment to District Rates in case of unoccupied Premises.

shall be assessed upon the full net annual Value of such Property ascertained by the Rate (if any) for the Relief of the Poor made next before the making of the respective Assessments under this Act; and for the Purpose of making any such Assessment the Local Board of Health, or any Person appointed by them so to do, may from Time to Time, at all reasonable Times, inspect, take Copies of, or make Extracts from any Rate for the Relief of the Poor within their District, or any Assessments by which the same are made; and whosoever, having the Custody of such last-mentioned Rate or Assessment, refuses to permit such Inspection, or the taking of any such Copy or Extract, shall for every such Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that if in any District or Part of a District there be no Rate for the Relief of the Poor the said Special and General District Rates shall be made upon an Estimate of the net annual Value of the several Premises liable thereto in such District or Part of a District, by a fit Person appointed by the Local Board of Health in that Behalf, and such Estimate shall be made, as near as Circumstances will permit, in the Manner prescribed by an Act passed in the Seventh Year of the Reign of King *William* the Fourth, intituled *An Act to regulate Parochial Assessments*, or any other Act for the Time being in force for regulating Parochial Assessments: Provided also, that the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water, or used only as a Canal, or Towing Path for the same, or as a Railway, constructed under the Powers of any Act of Parliament, for public Conveyance, shall be assessed in respect of the same in the Proportion of One Fourth Part only of such net annual Value thereof: Provided also, that if within any District or Part of a District any Kind of Property shall before the passing of this Act have been exempted from rating by any Local Act, in respect of all or any of the Purposes for which General or Special District Rates may be made under this Act, the same Kind of Property shall, in respect of the same Purposes, and to the same Extent within the Parts to which the Exemption applies, but not further or otherwise, be exempt from Assessment to any General or Special District Rates under this Act.

LXXXIX. And be it enacted, That the Local Board of Health may make and levy the said Special and General District Rates, or any or either of them, prospectively, in order to raise Money for the Payment of future Charges and Expenses, or retrospectively in order to raise Money for the Payment of Charges and Expenses which may have been incurred at any Time within Six Months before the making of the Rate; and if at the Time of making any General or Special District Rate any Premises in respect of which the Rate may be made are unoccupied, such Premises shall be included in the Rate, but the Rate shall not be charged upon any Person in respect of the same whilst they continue to be unoccupied; and if any such Premises

Premises are afterwards occupied during any Part of the Period for which the Rate was made, and before the same shall have been fully paid, the Name of the incoming Tenant shall be inserted in the Rate, and thereupon so much of the Rate as at the Commencement of his Tenancy may be in proportion to the Remainder of the said Period shall be collected, recovered, and paid in the same Manner in all respects as if the Premises had been occupied at the Time when the Rate was made; and if any Owner or Occupier assessed or liable to any such Rate cease to be Owner or Occupier of the Premises in respect whereof he is so assessed or liable before the End of the Period for which the Rate was made, and before the same is fully paid off, he shall be liable to pay only such Part of the Rate as shall be in proportion to the Time during which he continues to be such Owner or Occupier; and in every such Case, if any Person afterwards become Owner or Occupier of the Premises during Part of the said Period, he shall pay such Part of the Rate as shall be in proportion to the Time during which he continues to be such Owner or Occupier, and the same shall be recovered from him in the same Manner as if he had been originally assessed or liable; and the said Local Board may from Time to Time divide their District, or any Street therein, into One or more Parts, for all or any or either of the Purposes of this Act, and make a separate Assessment upon any such Part for and in respect of all or any of the Purposes for which the same is formed; and every such Part, so far as relates to the Purposes in respect of which such separate Assessment is made, shall be exempt from any other Assessment under this Act: Provided always, that if any Expenses are incurred or to be incurred in respect of Two or more Parts of a District in common the same shall be apportioned between them in a fair and equitable Manner.

Rates.

Apportionment
of Rates between
outgoing and
incoming
Tenants, &c.

Parts of District
may be sepa-
rately assessed.

XC. And be it enacted, That whenever the Local Board of Health have incurred or become liable to any Expenses which by this Act are or by the said Local Board shall be declared to be Private Improvement Expenses, the said Local Board may, if they shall think fit, make and levy upon the Occupier of the Premises in respect of which the Expenses shall have been incurred, except in the Cases herein-after provided, in addition to all other Rates, a Rate or Rates, to be called Private Improvement Rates, of such Amount as will be sufficient to discharge such Expenses, together with Interest thereon at a Rate not exceeding Five Pounds in the Hundred, in such Period not exceeding Thirty Years as the said Local Board shall in each Case determine: Provided always, that whenever any Premises in respect of which any Private Improvement Rate is made become unoccupied before the Expiration of the Period for which the Rate was made, or before the same is fully paid off, such Rate shall become a Charge upon and be paid by the Owner of the Premises so long as the same continue to be unoccupied.

Private Im-
provement
Rates.

Rates.

Proportion of
Private Im-
provement Rate
may be deducted
from Rent.

XCI. And be it enacted, That if the Occupier by whom any Private Improvement Rate is paid holds the Premises in respect of which the Rate is made at a Rent not less than the Rack Rent he shall be entitled to deduct Three Fourths of the Amount paid by him on account of such Rate from the Rent payable by him to his Landlord, and if he hold at a Rent less than the Rack Rent he shall be entitled to deduct from the Rent so payable by him such Proportion of Three Fourths of the Rate as his Rent bears to the Rack Rent; and if the Landlord from whose Rent any Deduction is made under the Provision last aforesaid is himself liable to the Payment of Rent for the Premises in respect of which the Deduction is made, and holds the same for a Term of which less than Twenty Years is unexpired, but not otherwise, he may deduct from the Rent so payable by him such Proportion of the Sum deducted from the Rent payable to him as the Rent payable by him bears to the Rent payable to him, and so in succession with respect to every Landlord (holding for a Term of which less than Twenty Years is unexpired) of the same Premises both receiving and liable to pay Rent in respect thereof: Provided always, that nothing herein contained shall be construed to entitle any Person to deduct from the Rent payable by him more than the whole Sum deducted from the Rent payable to him.

Redemption of
Special District
and Private Im-
provement
Rates.

XCII. Provided always, and be it enacted, That at any Time before the Expiration of the Period for which any Special District Rate or Private Improvement Rate is made, the Owner or Occupier of the Premises assessed thereto may redeem the same, by paying to the Local Board of Health the Expenses in respect of which the Rate was made, or such Part thereof as may not have been defrayed by Sums already levied in respect of the same.

Water Rate.

XCIII. And be it enacted, That whenever and so long as any Premises are supplied with Water by the Local Board of Health, for the Purposes of domestic Use, Cleanliness, or Drainage, they shall make and levy, in addition to any other Rate, a Water Rate upon the Occupier, except as herein-after provided; and the Rate so made shall be assessed upon the net annual Value of the Premises, ascertained in the Manner herein-before prescribed with respect to the said Special and General District Rates; and when several Houses in the separate Occupation of several Persons are supplied by One common Pipe, the respective Houses shall be charged with the Payment of Water Rates, in the same Manner as if each House had been supplied with Water by a separate Pipe: Provided always, that in any District to be called the *Oxford* or *Cambridge* District the Local Board of Health, with the Consent of the said General Board, may supply Water to any Hall, College, or Premises of the University within such District, upon such Terms with respect to the Mode of paying for such Supply as shall from Time to Time be agreed upon between such University, or any Hall or College thereof, and the said Local Board.

Agreements
with Univer-
sities.

XCIV. And

XCIV. And be it enacted, That the said Water Rate shall be payable in advance; and whenever any Person supplied with Water under the Provisions of this Act neglects to pay the Water Rate due from him, upon Demand, the Local Board of Health may prevent the Water from flowing into the Premises of the Defaulter in such Manner as they may think fit, and may recover the Arrears due, together with the Expenses of stopping the Supply, in the Manner herein-after provided with respect to the Recovery of Rates made under the Authority of this Act: Provided always, that the stopping or cutting off any Supply of Water by the said Local Board under this Enactment shall not relieve any Person from any Penalty or Liability to which he would have been otherwise subject.

Water Rate
payable in
advance.

Power to stop
Water in case of
Nonpayment
of Rates.

XCV. Provided always, and be it enacted, That when the net annual Value of any Premises liable to Assessment under this Act does not exceed the Sum of Ten Pounds, or whenever any Premises liable to such Assessment are let to weekly or monthly Tenants, or in separate Apartments, and the Rents become payable or are collected at any shorter Period than quarterly, the Local Board of Health may, from Time to Time, if they shall think fit, compound with the Owner of such Premises for the Payment of all or any of the Rates to be made under this Act, upon such reduced Estimate of the net annual Value, not being less than Two Thirds or more than Four Fifths of the net annual Value at which the Premises are then assessed, as the said Local Board shall deem to be reasonable; and any Owner who shall refuse to enter into such Composition shall be rated to and pay the Rates assessed upon such Premises in respect of which the Composition is offered; and if at any Time the Amount of Composition, or any Rate to which an Owner is assessed as last aforesaid, be due and unpaid, the same may be levied by Distress and Sale of the Goods and Chattels of the Owner in default, wheresoever they may be found, or of the Occupier or Occupiers of the Premises, in the same Manner as is herein-after provided with respect to the Recovery of Rates made under this Act: Provided always, that no such Owner shall be assessed in respect of any increased Rent which may become payable to him by reason of his so compounding for or becoming liable to any Rates as aforesaid: Provided also, that the Occupier or Occupiers of any such Premises as last aforesaid shall be liable to Distress and Sale of his or their Goods and Chattels for the Nonpayment of such Amount of Composition or Rates as may become due in respect of the Premises occupied by him or them during his or their Tenancy, but shall never be liable to pay any greater Sum than the Amount of the Rent actually due from him or them for such Premises; and he or they may deduct any Amount paid by him or them from the Rent due, or from Time to Time becoming due, from him or them, unless there be an Agreement to the contrary; and the Receipt for the Amount paid by him or them shall to that Extent be, as against the Owner in default, a sufficient Discharge for Rent.

Composition for
and Recovery
of Rates upon
Tenements
under the
annual Value
of Ten Pounds,
&c.

Power to reduce or remit Rates on account of Poverty.

XCVI. Provided also, and be it enacted, That it shall be lawful for the Local Board of Health to reduce or remit the Payment of any Rate on account of the Poverty of any Person liable to the Payment thereof.

Act not to affect existing Agreements between Landlord and Tenant.

XCVII. Provided also, and be it enacted, That nothing in this Act shall alter, interfere with, or affect any Lease, Contract, or Agreement which shall have been made or entered into between Landlord and Tenant before this Act is applied to the District in which the Premises are situate in respect of which the Lease, Contract, or Agreement was made.

Estimate to be prepared before making Rates.

XCVIII. And be it enacted, That the Local Board of Health, before proceeding to make any General or Special District Rate or Private Improvement Rate under this Act, shall cause an Estimate to be prepared of the Money required for the Purposes in respect of which the Rate is to be made, showing the several Sums required for each of such Purposes, the rateable Value of the Property assessable, and the Amount of Rate which for those Purposes it is necessary to make upon each Pound of such Value; and the Estimate so made shall forthwith, after being approved of by the said Local Board, be entered in the Rate Book, and be kept at their Office, open to public Inspection during Office Hours thereat.

Notice of Rate.

XCIX. And be it enacted, That public Notice of Intention to make any General or Special District Rate, and of the Time at which it is intended to make the same, and of the Place where a Statement of the proposed Rate is deposited for Inspection, shall be given by the Local Board of Health, in the Week immediately before the Day on which the Rate is intended to be made, and at least Seven Days previously thereto; but in case of Proceedings to levy or recover any Rate it shall not be necessary to prove that such Notice was given.

Rates to be open to Inspection.

C. And be it enacted, That any Person interested in or assessed to any Rate made under this Act may inspect the same, and any Estimate made previously thereto, and may take Copies of or Extracts therefrom, without Fee or Reward; and whosoever, having the Custody of such Estimate or Rate, refuses to allow or does not permit such Inspection, or such Copies or Extracts to be taken, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Description of Owner or Occupier in Rates if his Name be unknown.

CI. And be it enacted, That whenever the Name of any Owner or Occupier liable to be rated under this Act is not known to the Local Board of Health, it shall be sufficient to assess and designate him in the Rate as "the Owner" or "the Occupier" of the Premises in respect of which the Assessment is made, without further Description.

Rates may be amended.

CII. And be it enacted, That the Local Board of Health may from Time to Time amend any Rate made in pursuance of this Act, by inserting therein the Name of any Person claiming and entitled to have his Name inserted, or by inserting the Name of any Person who ought to have been assessed, or by striking out the Name of any Person who ought not to have been assessed, or by raising or reducing the Sum at which any Person

Person has been assessed, if it appear to the said Local Board that he has been under-rated or over-rated, or by making any other Alteration which will make the Rate conformable to the Provisions of this Act, and no such Amendment shall be held to avoid the Rate: Provided always, that any Person who may feel himself aggrieved by any such Amendment shall have the same Right of Appeal therefrom as he would have had if the Matter of Amendment had appeared on the Rate originally made, and with respect to him the amended Rate shall be considered to have been made at the Time when he first received Notice of the Amendment; and in the Case of any Person the Amount of whose Rate is increased by the Amendment, or whose Name is thereby newly inserted as aforesaid, the Rate shall not be payable by him until Seven Days after such Notice shall have been given to him.

CIII. And be it enacted, That all Rates made or collected under the Authority of this Act shall be published in the same Manner as Poor Rates, and shall commence and be payable at such Time or Times, and shall be made in such Manner and Form, and be collected by such Persons, and either together or separately, or with any other Rate or Tax, as the Local Board of Health shall from Time to Time appoint; and if any Person assessed to any such Rate fail to pay the same when due, and for the Space of Fourteen Days after the same shall have been lawfully demanded in Writing, any Justice may and he is hereby empowered to summon the Defaulter to appear before him, or any other Justice, at a Time and Place to be mentioned in the Summons, to show Cause why the Rate in arrear should not be paid; and in case the Defaulter fail to appear according to the Exigency of the Summons, or no sufficient Cause for Nonpayment be shown, the Justice may, by Warrant under his Hand and Seal, cause the same to be levied by Distress of the Goods and Chattels of the Defaulter: Provided always, that if no Distress sufficient to satisfy the Amount can be found within the Jurisdiction of the Justice by whom such Warrant is granted, and it so appear upon Oath before a Justice of any other County or Jurisdiction in which any Goods or Chattels of the Defaulter may be, the last-mentioned Justice shall endorse his Signature upon the said Warrant, and thereupon the Amount to be levied, or so much thereof as may be unsatisfied, shall be levied of the last-mentioned Goods and Chattels, in the same Manner as if the Defaulter had been assessed in the last-mentioned County or Jurisdiction; and if any Person quit or be about to quit any Premises without Payment of any Rate then due from him in respect of such Premises under this Act, and refuse to pay the same after lawful Demand thereof in Writing, any Justice having Jurisdiction where such Person resides or his Goods are found may and he is hereby empowered to summon him to appear, at a Time and Place to be mentioned in the Summons, to show Cause why the Rate so due should not be paid; and in case the Defaulter fail to appear, or no sufficient Cause for Nonpayment be shown, the Justice may, by

Rates made under this Act to be published as Poor Rates, and collected as Local Board shall appoint.

Justices may summon Persons for Non-payment, and in default may recover by Distress.

Rates.

Form of Distress Warrant.

Penalty upon Constables refusing to levy.

Quota of Rates to be paid by the Universities, &c.

Evidence of Rates.

Mortgage of Rates.

Rates may be mortgaged.

Warrant under his Hand and Seal, cause the Sum to be levied by Distress of the Goods and Chattels of the Defaulter.

CIV. And be it enacted, That Warrants of Distress for the Recovery of any Rate payable under the Authority of this Act may be in the Form contained in the Schedule (D.) annexed to this Act, or to the like Effect; and any Constable authorized by any such Warrant who shall neglect or refuse to make Distress or Sale pursuant to the same, after being required so to do by a Collector of the District in which the Rate in arrear was made, shall be liable to a Penalty not exceeding Five Pounds.

CV. Provided always, and be it enacted, That nothing in this Act shall be deemed to alter or interfere with the Liability of the Universities of *Oxford* and *Cambridge* respectively to contribute in the Proportion and Manner specified in any Local Act under which the *Oxford* and *Cambridge* Commissioners respectively now act towards the Expense of paving and pitching, repairing, lighting, and cleansing, under the Powers of any such Local Act, the several Streets, Lanes, Ways, Alleys, Passages, and Places within the Jurisdiction of such Commissioners respectively; and in case any Difference shall arise between either of the said Universities and the Local Board of Health with respect to the Proportion and Manner in which the University shall contribute towards any Expenses under this Act, and to which the University is not liable under any such Local Act, the same shall be settled by the General Board of Health: Provided also, that all Rates, Contributions, and Sums of Money which may become payable under this Act by the said Universities respectively, and their respective Halls and Colleges, may be recovered from such Universities, Halls, and Colleges in the same Manner in all respects as Rates, Contributions, and Sums of Money may now be recovered from them by virtue of any such Local Act.

CVI. And be it enacted, That the Production of the Books purporting to contain any Rate or Assessment made under this Act shall alone, and without any other Evidence whatsoever, be received as *prima facie* Evidence of the making and Validity of the Rates mentioned therein.

CVII. And be it enacted, That the Local Board of Health may, for the Purpose of defraying any Costs, Charges, and Expenses incurred or to be incurred by them in the Execution of this Act, borrow and take up at Interest, on the Credit of the Rates authorized to be made or collected under this Act, any Sums of Money necessary for defraying any such Costs, Charges, and Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the said Local Board may mortgage and assign over to the Persons by or on behalf of whom such Sums are advanced the respective Rates upon the Credit of which the Sums are borrowed; and the respective Mortgagees shall be entitled to a Proportion of the Rates comprised in their respective Mortgages according to the Sums in such Mortgages mentioned to have been advanced; and each Mortgagee shall be repaid

repaid the Sums so advanced, with Interest, without any Preference over the others of them by reason of any Priority of Advance or the Date of his Mortgage: Provided always, that the Money borrowed under the Authority of this Act shall be borrowed only for Works of a permanent Nature, and shall not at any Time exceed in the whole the assessable Value for One Year of the Premises assessable under this Act within the District or Part of the District for or in respect of which such Money shall be borrowed, and shall (as far as practicable) be borrowed upon the Credit of the respective Rates applicable to the Works, Matters, or Things in respect of which the Money is required; and the Money borrowed for the Purpose of defraying any Costs, Charges, or Expenses incurred or to be incurred in respect of Part of a District only shall be charged (as far as practicable) upon the Credit of any separate Rates made or to be made for the Purposes of such Part; and in case any such Costs, Charges, or Expenses shall apply to or be incurred in respect of Two or more of such Parts, the Money borrowed in respect of the same shall be equitably apportioned by the Local Board upon any Rates made or to be made for the Purposes of such Parts respectively.

No Priority amongst Mortgagees.

CVIII. And be it enacted, That the Commissioners acting in the Execution of an Act passed in the Second Session of the Fifth Year of Her Majesty's Reign, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund, to a limited Amount, for carrying on Public Works and Fisheries and Employment of the Poor, and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes*, and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, may, if they shall think fit, make Advances to the Local Board of Health of any District for the Purposes of this Act, upon the Security of the Rates to be levied by such Board under this Act, and without requiring any further or other Security than a Mortgage of such Rates.

Commissioners of Public Works may make Advances to Local Boards under 5 & 6 Vict. c. 9.

CLX. And be it enacted, That if the Local Board of Health can at any Time borrow at a lower Rate of Interest than that secured by any Mortgage previously made by them, and then outstanding and in force, they may, if they shall think fit, so borrow accordingly, in order, with the Consent of the Mortgagee, to pay off and discharge any of the Securities bearing a higher Rate of Interest, and may charge the Rates which they may be authorized to mortgage under this Act with Payment of the Sum so borrowed, together with the Interest thereon, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed upon Mortgage.

Money may be borrowed at lower Rates of Interest to pay off Securities bearing a higher Rate.

CX. And be it enacted, That if at the Time appointed by any Mortgage Deed for Payment of the Principal Money secured thereby the Local Board of Health are unable to pay off the same, they may, if they shall think fit, borrow such Sum of Money as may be necessary for the Purpose of paying off the whole or any Part of the said Principal Monies, and may secure

Power to borrow Money to pay off former Mortgages.

Mortgage of Rates.

the Repayment of the same, and the Interest to be paid thereon, in the same Manner in all respects as in the Case of Monies borrowed for defraying Costs, Charges, and Expenses incurred by the Local Board of Health in the Execution of this Act.

Form of Mortgage.

CXI. And be it enacted, That every Mortgage authorized to be made under this Act shall be by Deed, truly stating the Date, Consideration, and the Time and Place of Payment, and shall (in the Case of a Noncorporate District) be sealed with the Seal of the Local Board of Health by or on the Part of, whom the same is executed, and be signed by Five or more Members thereof, (or in the Case of a Corporate District) be sealed with the Common Seal, and may be made according to the Form contained in the Schedule (B.) to this Act annexed, or to the like Effect; and there shall be kept at the Office of the Local Board of Health a Register of the Mortgages upon each Rate, and within Fourteen Days after the Date of any Mortgage an Entry shall be made in the Register of the Number and Date thereof, and of the Names and Description of the Parties thereto, as stated in the Deed; and every such Register shall be open to public Inspection during Office Hours at the said Office, without Fee or Reward; and any Clerk or other Person having the Custody of the same, refusing to allow such Inspection, shall be liable to a Penalty not exceeding Five Pounds.

*Register of Mortgages.**Transfer of Mortgages.*

CXII. And be it enacted, That any Mortgagee or other Person entitled to any such Mortgage may transfer his Estate and Interest therein to any other Person by Deed duly stamped, truly stating its Date and the Consideration for the Transfer; and such Transfers may be according to the Form contained in the Schedule (C.) to this Act annexed, or to the like Effect; and there shall be kept at the Office of the Local Board of Health a Register of the Transfers of Mortgage charged upon each Kind of Rate, and within Thirty Days after the Date of such Deed of Transfer, if executed within the United Kingdom, or within Thirty Days after its Arrival in the United Kingdom, if executed elsewhere, the same shall be produced to the Clerk, who shall, upon Payment of the Sum of Five Shillings, cause an Entry to be made in such Register of its Date, and of the Names and Description of the Parties thereto, as stated in the Transfer; and upon any Transfer being so registered the Transferee, his Executors, Administrators, or Assigns, shall be entitled to the full Benefit of the original Mortgage, and the Principal and Interest secured thereby; and every such Transferee may in like Manner transfer his Estate and Interest in any such Mortgage; and no Person, except the Person to whom the same shall have been last transferred, his Executors, Administrators, or Assigns, shall be entitled to release or discharge any such Mortgage, or any Money secured thereby.

*Register of Transfers.**Interest to be paid half-yearly. Mortgage Debts to be paid off by means of a Sinking Fund.*

CXIII. And be it enacted, That the Interest secured by any Mortgage authorized to be made under this Act shall, unless otherwise provided, be paid half-yearly; and in order to pay off any Monies borrowed and secured by any such Mortgage, the Local Board of Health shall in every Year, until the same be paid

paid off, appropriate and set apart as a Sinking Fund such Sum as, together with the Interest from Time to Time to accrue thereon, will in the Period of Thirty Years amount to a Sum sufficient to repay the Monies borrowed and secured by any such Mortgage, and shall from Time to Time cause such Sinking Fund, and the Interest thereon, to be invested in the Purchase of Exchequer Bills or other Government Securities, and to be increased by Accumulation in the Way of Compound Interest or otherwise; and whenever the said Local Board are enabled to pay off One or more of the Mortgages charged upon the same Property or Rate, and are not able to pay off the whole of the Mortgages so charged, they shall, in default of Arrangement between the Local Board of Health and the Mortgagees, decide by Lot the Order in which the same shall be paid off.

Mortgage of Rates.
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CXIV. And be it enacted, That if at the Expiration of Six Months from the Time when any Principal Money or Interest has become due upon any Mortgage of Rates made under this Act, and after Demand in Writing, the same be not paid, the Mortgagee or other Person entitled thereto may, without Prejudice to any other Mode of Recovery, apply for the Appointment of a Receiver to Two Justices, who are hereby empowered, after hearing the Parties, to appoint in Writing under their Hands and Seals some Person to collect and receive the whole or a competent Part of the Rates liable to the Payment of the Principal or Interest in respect of which the Application is made, until such Principal or Interest, or both, as the Case may be, together with the Costs of the Application and the Costs of Collection, are fully paid; and upon such Appointment being made all such Rates, or such competent Part thereof as aforesaid, shall be paid to the Person appointed, and when so paid shall be so much Money received by or to the Use of the Mortgagee or Mortgagees of such Rates, and shall be rateably apportioned between them: Provided always, that no such Application shall be entertained unless the Sum or Sums due and owing to the Applicant amount to One thousand Pounds, or unless a joint Application be made by Two or more Mortgagees or other Persons to whom there may be due, after such Lapse of Time and Demand as last aforesaid, Monies collectively amounting to that Sum.

Receiver may be appointed in certain Cases.

CXV. And be it enacted, That all Bye Laws made by the Local Board of Health under and for the Purposes of this Act shall be in Writing under their Seal, and the Signature of any Five or more of their Number, or (in the Case of a Corporate District) under the Common Seal; and the said Local Board may by any such Bye Laws impose upon Offenders against the same such reasonable Penalties as they shall think fit, not exceeding the Sum of Five Pounds for each Offence, and in the Case of a continuing Offence a further Penalty not exceeding the Sum of Forty Shillings for each Day after written Notice of the Offence from the said Local Board; and the said Local Board may alter or repeal any such Bye Laws by any subsequent Bye Laws, sealed and signed or (in case of a Corporate District)

Bye Laws.
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Bye Laws of Local Board not to be in force till confirmed by Secretary of State.

Bye Laws.

Notice of Confirmation, &c.

District) sealed as last aforesaid: Provided always, that all such Bye Laws imposing any Penalty shall be so framed as to allow of the Recovery of any Sum less than the full Amount of the Penalty: Provided also, that no such Bye Laws shall be repugnant to the Laws of *England* or to the Provisions of this Act, and the same shall not be of any Force or Effect unless and until the same be submitted to and confirmed by One of Her Majesty's Principal Secretaries of State, who is hereby empowered to allow or disallow the same, as he may think proper: Provided also, that no such Bye Laws shall be confirmed unless Notice of Intention to apply for Confirmation of the same shall have been given in One or more of the public Newspapers usually circulated within the District to which such Bye Laws relate One Month at least before the making of such Application; and for One Month at least before any such Application a Copy of the proposed Bye Laws shall be kept at the Office of the Local Board of Health, and be open during Office Hours thereat to the Inspection of the Rate-payers of the District to which such Bye Laws relate, without Fee or Reward; and the Clerk shall furnish every such Rate-payer who shall apply for the same with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words contained in such Copy.

Bye Laws to be printed, &c.

CXVI. And be it enacted, That all Bye Laws made by the Local Board of Health in pursuance of this Act shall be printed, and hung up in the Office of the said Local Board; and Copies thereof shall be delivered to any Rate-payer of the District to which such Bye Laws relate, upon his Application for the same.

Powers transferred, &c.

Local Board to be Surveyors of Highways;

CXVII. And be it enacted, That the Local Board of Health within the Limits of their District shall, exclusively of any other Person whatsoever, execute the Office of and be Surveyor of Highways, and have all such Powers, Authorities, Duties, and Liabilities as any Surveyor of Highways in *England* is now or may hereafter be invested with or be liable to by virtue of his Office by the Laws in force for the Time being, except in so far as such Powers, Duties, or Authorities are or may be inconsistent with the Provisions of this Act; and the Inhabitants of any District shall not in respect of any Property situate therein be liable to the Payment of Highway Rate or other Payment, not being a Toll, in respect of making or repairing Roads or Highways within any Parish, Township, or Place, or Part of any Parish, Township, or Place, situate beyond the Limits of such District: Provided always, that the several Persons who at the Time when this Act is applied to any District are Surveyors of Highways within the same District may recover any Highway Rate made in respect of the said District, and then remaining unpaid, in the same Manner as if this Act had not been passed; and the Money so recovered shall be applied, in the first place, in reimbursing themselves any Expenses incurred by them as such Surveyors, and in discharging any Debts legally owing by them on account of the Highways within their Jurisdiction;

but existing
Surveyors to
recover Rates
in arrear.

diction; and the Surplus (if any) shall be paid by them to the Treasurer, and carried to the District Fund Account mentioned in this Act: Provided also, that neither the Allowance by Justices, nor the Signature by the Local Board of Health, shall be necessary in the Case of any Rate made by the Local Board of Health under this Act.

Powers transferred, &c.

CXVIII. And be it enacted, That, notwithstanding the Application of this Act to any District, the Liability of any Person whomsoever to defray or contribute towards the Expense of making, completing, altering, amending, or maintaining any Sewer, or any Walls or Works for protecting the Land against the Force or Encroachments of the Sea, or of paving or flagging or putting in order any Street or Part thereof within the District, shall, if incurred previously to the Time when this Act is so applied, continue, and the same may be enforced, as if this Act had not been passed, and the Rates to be levied under this Act shall be made only for Purposes to which such Liability does not extend.

Existing Liabilities to make Sewers, &c. not to be discharged.

CXIX. And be it enacted, That it shall not be lawful for the Local Board of Health to borrow or take up at Interest any Sum or Sums of Money upon the Credit of any Rates authorized to be made or collected under this Act, without the previous Consent of the General Board of Health.

General Superintendence.

Mortgage of Rates to be made only with Approval of General Board.

CXX. And be it enacted, That if in any Case in which the Local Board are empowered to recover any Expenses incurred by them in a summary Manner, or to declare such Expenses to be Private Improvement Expenses, any Person shall deem himself to be aggrieved by the Decision of the said Local Board thereupon, he may, within Seven Days after Notice of such Decision, address a Memorial to the said General Board, stating the Grounds of his Complaint; and the said General Board may make such Order in the Matter as to them may seem equitable, and the Order so made shall be binding and conclusive upon the said Local Board; and if the said Local Board shall have proceeded to recover such Expenses in a summary Manner, the said General Board may, if they shall think fit, direct the said Local Board to pay to the Person so proceeded against such Sum as they may consider to be a just Compensation for the Loss, Damage, or Grievance thereby sustained by him.

Parties aggrieved by Proceedings of Local Board as to Recovery of certain Expenses may appeal to the General Board.

CXXI. And be it enacted, That during any Inquiry by a Superintending Inspector under this Act he may and he is hereby empowered to summon before him any Persons whomsoever, and to examine them upon Oath or otherwise touching any Matter relating to the Purposes of the Inquiry, and he may by any such Summons require any Parochial Officer, or any Officer of or acting under any Corporation, Guardians, or Directors of the Poor, and any Commissioner, Trustee, Officer, or Person acting under any Local Act of Parliament in force within the District or Place to which any such Inquiry may relate, to produce before him any Surveys, Plans, Sections, Rate Books, or other like Documents which may by reason of their Office be in their Custody or Control touching any Matter relating

Superintending Inspectors may summon Witnesses, call for Plans, Rates, &c.

**General Super-
intendence.**

relating to the Purposes of such Inquiry, and such Inspector may examine, inspect, or take Copies of any such Books, Surveys, Plans, Sections, and Documents, or any of them, or Part thereof; and whosoever wilfully disobeys any such Summons, or prevents any such Inspector from examining, inspecting, or taking Copies as last aforesaid, or refuses to answer any Question put to him by such Inspector for the Purposes of the said Inquiry, shall be liable to a Penalty not exceeding Five Pounds: Provided always, that no Person shall be required to attend in obedience to any such Summons unless the reasonable Charges of his Attendance shall have been paid or tendered to him; and no Person shall be required in any Case, in obedience to any such Summons, to travel more than Ten Miles from his Place of Abode.

**As to Audit of
Accounts.**

CXXII. And be it enacted, That the Accounts of the Receipts and Expenditure of the Local Board of Health shall be audited and examined once in every Year at the least, at such Time or Times as shall be appointed by such Local Board, in case of a Corporate District, by the Auditors of the Corporate Borough whereof the whole or Part is within such District; and in case of a District exclusively consisting of the whole or Part of Two or more Corporate Boroughs, or of One or more of such Boroughs, and also of Part of any such Borough or Boroughs, by such Two of the Auditors for the Time being of the Corporate Boroughs respectively whereof the whole or Part is within such District as shall from Time to Time be appointed by the Local Board of Health; and in case of any other District as soon as can be after the Twenty-fifth Day of *March* in every Year, by the Auditor of Accounts relating to the Relief of the Poor for the District for the Audit of such Accounts, or for the Parish or Union in which such District under this Act is comprised, or if any District under this Act be partly situate in Two or more Parishes, Unions, or Districts for the Audit of Accounts, by such One of the Auditors for the Time being of the Parishes, Unions, or Districts for the Audit of Accounts (whereof the whole or Part is within such District under this Act) as shall from Time to Time be appointed by the Local Board of Health; and for the Purposes of any Audit and Examination of Accounts under this Act, every such Auditors or Auditor may, by Summons in Writing, require the Production before him of all Books, Deeds, Contracts, Accounts, Vouchers, and all other Documents and Papers which they or he may deem necessary, and may require any Person holding or accountable for any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers to appear before them or him at any such Audit and Examination, or Adjournment thereof, and to make and sign a Declaration with respect to the same; and if any such Person neglect or refuse so to do, or to produce any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers, or to make or sign such Declaration, he shall be liable for every Neglect or Refusal to a Penalty of Forty Shillings, and if he falsely or corruptly make or sign any such Declaration, knowing

**Power to
Auditor to re-
quire Produc-
tion of Books,
&c.****Penalty on Per-
sons for Neglect.**

knowing the same to be untrue in any material Particular, he shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury; and all Accounts certified by the Auditors or Auditor acting under this Act shall be final and conclusive to all Intents and Purposes; and such Auditors or Auditor shall in respect of each Audit be paid by the Local Board of Health, out of the General District Rates levied under this Act, such reasonable Remuneration as they shall from Time to Time by Order in Writing determine and appoint: Provided always, that before each Audit and Examination of Accounts under this Act the Clerk shall give Ten Days Notice of the Time and Place at which the same will be made, by Advertisement in some One or more of the public Newspapers usually circulated within the District for which the Audit and Examination will be made; and a Copy of the Accounts to be audited and examined shall be deposited in the Office of the Local Board of Health, and be open during Office Hours thereat, to the Inspection of all Persons interested, for Seven Days before the Audit and Examination; and all such Persons shall be at liberty to take Copies of or Extracts from the same without Fee or Reward; and within Fourteen Days after the Audit and Examination shall have been completed the Auditors or Auditor shall report upon the Accounts audited and examined, and shall deliver such Report to the Clerk, who shall cause the same to be deposited in the Office of the Local Board of Health, and to be published in some One or more of the public Newspapers usually circulated in the District to which it relates.

General Superintendence.

Accounts previous to Audit to be deposited, and open to Inspection, &c.

CXXIII. And be it enacted, That in case of Dispute as to the Amount of any Compensation to be made under the Provisions of this Act (except where the Mode of determining the same is specially provided for), and in case of any Matter which by this Act is authorized or directed to be settled by Arbitration, then, unless both Parties concur in the Appointment of a single Arbitrator, each Party, on the Request of the other, shall appoint an Arbitrator, to whom the Matter shall be referred; and every such Appointment when made on the Behalf of the Local Board of Health shall (in the Case of a Noncorporate District) be under their Seal and the Hands of any Five or more of their Number, or under the Common Seal in case of a Corporate District, and on the Behalf of any other Party under his Hand, or if such Party be a Corporation Aggregate under the Common Seal thereof; and such Appointment shall be delivered to the Arbitrators, and shall be deemed a Submission to Arbitration by the Parties making the same; and after the making of any such Appointment the same shall not be revoked without the Consent of both Parties, nor shall the Death of either Party operate as a Revocation; and if for the Space of Fourteen Days after any such Matter shall have arisen, and Notice in Writing by one Party who has himself duly appointed an Arbitrator to the other Party, stating the Matter to be referred, and accompanied by a Copy of such Appointment, the Party to whom Notice is given fail to appoint an Arbitrator, the Arbitrator appointed by the Party

Arbitration.

Mode of referring to Arbitration.

Arbitration.

Party giving the Notice shall be deemed to be appointed by and shall act on behalf of both Parties; and the Award of any Arbitrator or Arbitrators appointed in pursuance of this Act shall be binding, final, and conclusive upon all Persons, and to all Intents and Purposes whatsoever.

Death, &c. of
One of several
Arbitrators;

CXXIV. And be it enacted, That if before the Determination of any Matter so referred any Arbitrator die, or refuse or become incapable to act, the Party by whom such Arbitrator was appointed may appoint in Writing another Person in his Stead; and if he fail so to do for the Space of Seven Days after Notice in Writing from the other Party in that Behalf the remaining Arbitrator may proceed *ex parte*; and every Arbitrator so appointed shall have the same Powers and Authorities as were vested in the Arbitrator in whose Stead the Appointment is made; and in case a single Arbitrator die, or become incapable to act, before the making of his Award, or fail to make his Award within Twenty-one Days after his Appointment, or within such extended Time, if any, as shall have been duly appointed by him for that Purpose, the Matters referred to him shall be again referred to Arbitration under the Provisions of this Act, as if no former Reference had been made.

of single Arbi-
trator.

Appointment of
Umpire by the
Parties;

CXXV. And be it enacted, That in case there be more than One Arbitrator the Arbitrators shall, before they enter upon the Reference, appoint by Writing under their Hands an Umpire, and if the Person appointed to be Umpire die, or become incapable to act, the Arbitrators shall forthwith appoint another Person in his Stead; and in case the Arbitrators neglect or refuse to appoint an Umpire for Seven Days after being requested so to do by any Party to the Arbitration, the Court of General or Quarter Sessions shall, on the Application of any such Party, appoint an Umpire; and the Award of the Umpire shall be binding, final, and conclusive upon all Persons and to all Intents and Purposes whatsoever; and in case the Arbitrators fail to make their Award within Twenty-one Days after the Day on which the last of them was appointed, or within such extended Time, if any, as shall have been duly appointed by them for that Purpose, the Matters referred shall be determined by the Umpire; and the Provisions of this Act with respect to the Time for making an Award, and with respect to extending to the same in the Case of a single Arbitrator, shall apply to an Umpirage.

Time within
which Award
must be made.

CXXVI. Provided always, and be it enacted, That the Time for making an Award under this Act shall not be extended beyond the Period of Three Months from the Date of the Submission or from the Day on which the Umpire shall have been appointed (as the Case may be).

Power to Arbi-
trator to require
Production of
Documents.

CXXVII. And be it enacted, That any Arbitrator, Arbitrators, or Umpire, appointed by virtue of this Act, may require the Production of such Documents in the Possession or Power of either Party as they or he may think necessary for determining the Matters referred, and may examine the Parties or their Witnesses on Oath; and the Costs of and consequent upon the Reference shall be in the Discretion of the Arbitrator or Arbitrators,

As to Costs of
Reference.

or

or of the Umpire (in case the Matters referred are determined by an Umpire under the Power herein-before contained in that Behalf); and any Submission to Arbitration under the Provisions of this Act may be made a Rule of any of the Superior Courts, on the Application of any Party thereto.

Arbitration.

Submission may be made a Rule of Court.

CXXVIII. And be it enacted, That before any Arbitrator or Umpire shall enter upon any such Reference as aforesaid he shall make and subscribe the following Declaration before a Justice of the Peace; (that is to say,)

Declaration to be made by Arbitrator and Umpire.

‘ I *A.B.* do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me under the Public Health Act, 1848. *A.B.*’

And such Declaration shall be annexed to the Award when made; and if any Arbitrator or Umpire shall wilfully act contrary to such Declaration he shall be guilty of a Misdemeanor.

CXXIX. And be it enacted, That in all Cases in which the Amount of any Damages, Costs, or Expenses is by this Act directed to be ascertained or recovered in a summary Manner the same may be ascertained by and recovered before Two Justices, together with such Costs of the Proceedings as the Justices may think proper; and if the Sums adjudged be not paid by the Party against whom the Adjudication is made the same may be levied by Distress and Sale of his Goods and Chattels, by Warrant under the Hands and Seals of the Justices making the Adjudication; and any Penalty imposed by or under the Authority of this Act, or any Bye Law made under this Act, the Recovery whereof is not otherwise expressly provided for, may, upon Proof on Oath of the Offence in respect of which the Penalty is alleged to have been incurred, be recovered before Two Justices, together with such Costs of the Proceedings as they may think proper; and if the Sums adjudged be not paid by the Party against whom the Adjudication is made the same may be levied by Distress and Sale of his Goods and Chattels, by Warrant under the Hands and Seals of the Justices making the Adjudication; and such Justices or either of them may order that any Offender convicted as last aforesaid be detained and kept in safe Custody until Return can be conveniently made to the last-mentioned Warrant, unless he give sufficient Security, by way of Recognizance or otherwise, for his Appearance on the Day appointed by the Return, such Day not being more than Eight Days from the Time of taking the Security; and if before issuing such Warrant, or upon the Return thereof, it appear to the Satisfaction of the last-mentioned Justices that no sufficient Distress can be had within their Jurisdiction, they may, by Warrant under their Hands and Seals, cause the Offender to be committed to Gaol, there to remain, without Bail, for any Term not exceeding Three Months, unless such Penalty and Costs be sooner paid.

Legal Proceedings.

Recovery of Damages, &c

CXXX. And be it enacted, That the Justices before whom any Person is convicted of any Offence against the Provisions of this Act may cause the Conviction to be drawn up according to

Form of Conviction.

*Legal
Proceedings.*

Mode of proceeding before Justices.

Distress how to be levied.

not unlawful for Want of Form.

Justices, though Members of Local Board, may act under this Act.

Common Informers not to sue without Consent of Attorney General.

Proceedings for Penalties to be taken within Six Months.

Application of Penalties.

to the Form and Directions contained in the Schedule (E.) annexed to this Act, or to the like Effect; and any Conviction so drawn up shall be valid and effectual to all Intents and Purposes.

CXXXI. And be it enacted, That in proceeding before any Justice or Justices under the Provisions of this Act, in any Case in which the Mode of proceeding is not specially prescribed, any One Justice may summon the Party charged to appear before the Justice or Justices by whom the Matter is to be determined at a Time and Place to be named; and upon the Appearance of the Party charged, or in his Absence upon Proof of Service of the Summons upon him personally, or by leaving a Copy thereof at his last known Place of Abode or Business, the last-mentioned Justice or Justices may hear and determine the Matter, and for that Purpose examine the Parties or any of them, and their Witnesses, on Oath; and the Costs of all such Proceedings shall be in the Discretion of the last-mentioned Justice or Justices; and where in this Act any Sum of Money whatsoever is directed to be levied by Distress and Sale of the Goods and Chattels of any Party, the Overplus arising from such Sale shall, after satisfying such Sum, and the Costs and Expenses of the Distress and Sale, be returned to him, on Demand; and no Distress levied under the Authority of this Act shall be unlawful, nor shall any Party making the same be a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall he be a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction in an Action upon the Case.

CXXXII. And be it enacted, That Justices of the Peace, being also Members of any Local Board of Health, may, if acting in Petty Sessions, notwithstanding their being such Members, exercise the Jurisdiction vested in them as such Justices under this Act.

CXXXIII. And be it enacted, That no Proceedings for the Recovery of any Penalty incurred under the Provisions of this Act shall be had or taken by any Person other than by a Party aggrieved, or the Local Board of Health in whose District the Offence is committed, or by the Churchwardens and Overseers of the Poor (where any such Penalty is directed to be paid to the Churchwardens and Overseers of the Poor), without the Consent in Writing of Her Majesty's Attorney General first had and obtained; and that no such Penalty shall be recovered unless Proceedings for the Recovery thereof shall have been commenced within Six Calendar Months after the Commission or Occurrence of the Offence upon which the Penalty attaches; and if the Application of the Penalty be not otherwise provided for, One Half thereof shall go to the Informer, and the Remainder to the Local Board of Health of the District in which the Offence was committed: Provided always, that if the said Local Board be the Informer they shall be entitled to the whole of

of the Penalty recovered, and all Penalties or Sums recovered on account of any Penalty by them shall be paid over to the Treasurer, and shall by him be placed to the District Fund Account mentioned in this Act.

*Legal
Proceedings.*

CXXXIV. And be it declared and enacted, That, notwithstanding the Liability of any Person to any Penalty under the Provisions of this Act, he shall not be relieved from any other Liability to which he would have been subject if this Act had not been passed.

*Liability to
Penalty not to
relieve from
other Liabilities.*

CXXXV. And be it enacted, That any Person who shall think himself aggrieved by any Rate made under the Provisions of this Act, or by any Order, Conviction, Judgment, or Determination of or by any Matter or Thing done by any Justice or Justices, in any Case in which the Penalty imposed or the Sum adjudged shall exceed the Sum of Twenty Shillings, may appeal to the Court of General or Quarter Sessions holden next after the making of the Rate objected to, or Accrual of the Cause of Complaint; but the Appellant shall not be heard in support of the Appeal, unless within Fourteen Days after the making and Publication of the Rate appealed against, or Accrual of the Cause of Complaint, he give to the Local Board of Health or Justice or Justices by whose Act he may think himself aggrieved Notice in Writing stating his Intention to bring such Appeal, together with a Statement in Writing of the Grounds of Appeal; and the said Court, upon hearing and finally determining the Matter of the Appeal, shall and may, according to its Discretion, award such Costs to the Party appealing or appealed against as they shall think proper, and its Determination in or concerning the Premises shall be conclusive and binding on all Persons to all Intents and Purposes whatsoever: Provided always, that if there be not Time to give such Notice and enter into such Recognizance as aforesaid before the Sessions holden as last aforesaid, then such Appeal may be made to, and such Notice, Statement, and Recognizance be given and entered into for, the next Sessions at which the Appeal can be heard: Provided also, that on the hearing of the Appeal no Grounds of Appeal shall be gone into or entertained other than those set forth in such Statement as aforesaid.

*Appeal to
Quarter
Sessions.*

CXXXVI. And be it enacted, That the said Court of General or Quarter Sessions shall upon Appeals under this Act against any Rate have the same Power to amend or quash any Rate or Assessment, and to award Costs between the Parties to the Appeal, as is or may by Law be vested in any Court of General or Quarter Sessions with respect to amending or quashing any Rate or Assessment, or awarding Costs, upon Appeals with respect to Rates for the Relief of the Poor; and the Costs awarded by the said Court under this Act may be recovered in the same Manner in all respects as Costs awarded upon the last-mentioned Appeals: Provided always, that, notwithstanding the quashing of any Rate appealed against, all Monies charged by such Rate shall, if the Court before whom the Appeal is heard think fit so to order, be levied as if no Appeal had been made,

*Power of Ses-
sions upon
Appeals against
Rates.*

*Legal
Proceedings.*

No Rate or Proceeding to be quashed for Want of Form, &c.

Proceedings in case of Noncorporate Districts.

Actions, &c. in Name of Clerk.

Mode of describing Property of Local Board.

Actions, &c. not to abate.

Clerk to be reimbursed Expenses.

Notice of Action.

and such Monies, when paid, shall be taken as Payment on account of the next effective Rate for the Purposes in respect of which the quashed Rate was made.

CXXXVII. And be it enacted, That no Rate, nor any Proceeding to be had touching the Conviction of any Offender against this Act, nor any Order, Award, or other Matter or Thing whatsoever made, done, or transacted in or relating to the Execution of this Act, shall be vacated, quashed, or set aside for Want of Form, or be removed or removable by Certiorari or other Writ or Process whatsoever into any of the Superior Courts.

CXXXVIII. And be it enacted, That the Local Board of Health of any Noncorporate District may sue and be sued in the Name of the Clerk for the Time being for or concerning any Contract, Matter, or Thing whatsoever relating to any Property, Works, or Things vested or to become vested in them by reason of the Provisions of this Act, or relating to any Matter or Thing whatsoever entered into or done, or intended to be entered into or done by them, under the Provisions of this Act; and in any Action of Ejectment brought or prosecuted by such Local Board it shall be sufficient to lay the Demise in the Name of the said Clerk, and in Proceedings by or on the Part of such Local Board against any Person for stealing or wilfully injuring or otherwise improperly dealing with any Property, Works, or Things belonging to them or under their Management, it shall be sufficient to state generally that the Property or Thing in respect of which the Proceeding is instituted is the Property of the said Clerk, and all legal Proceedings by, on the Part of, or against such Local Board, under this Act, may be preferred, instituted, and carried on in his Name; and no Proceedings whatever shall abate or be discontinued by the Death, Resignation, or Removal of the Clerk, or by reason of any Change or Vacancy in such Local Board by Death, Resignation, or otherwise: Provided always, that the Clerk in whose Name any such Action or Suit, Complaint, Information, or Proceeding, may be brought, preferred, instituted, or defended as aforesaid, shall be fully reimbursed out of the General District Rates to be levied under this Act all such Costs, Charges, Damages, and Expenses as he shall or may be or become liable to pay, sustain, or be put unto by reason of his Name being so used.

CXXXIX. And be it enacted, That no Writ or Process shall be sued out against or served upon any Superintending Inspector, or any Officer or Person acting in his Aid, or under the Direction of the General Board of Health, nor against the Local Board of Health, or any Member thereof, or the Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person whomsoever acting under the Direction of the said Local Board, for anything done or intended to be done under the Provisions of this Act, until the Expiration of One Month next after Notice in Writing shall have been delivered to him, or left at their or his Office or usual Place of Abode, clearly and explicitly stating the Cause of Action, and the
Name

Name and Place of Abode of the intended Plaintiff, and of his Attorney or Agent in the Cause; and upon the Trial of any such Action the Plaintiff shall not be permitted to go into Evidence of any Cause of Action which is not stated in the last-mentioned Notice; and unless such Notice be proved the Jury shall find for the Defendant; and every such Action shall be brought or commenced within Six Months next after the Accrual of the Cause of Action, and not afterwards, and shall be laid and tried in the County or Place where the Cause of Action occurred, and not elsewhere; and the Defendant shall be at liberty to plead the General Issue, and give this Act and all special Matter in Evidence thereunder; and any Person to whom any such Notice of Action is given as aforesaid may tender Amends to the Plaintiff, his Attorney or Agent, at any Time within One Month after Service of such Notice, and in case the same be not accepted may plead such Tender in bar, and (by Leave of the Court) with the General Issue or other Plea or Pleas; and if upon Issue joined upon any Plea pleaded to the whole Action the Jury find generally for the Defendant, or if the Plaintiff be nonsuited or discontinue, or if Judgment be given for the Defendant, then the Defendant shall be entitled to full Costs of Suit, and have Judgment accordingly; and in case Amends have not been tendered as aforesaid, or in case the Amends tendered be insufficient, the Defendant may, by Leave of the Court, at any Time before Trial, pay into Court, under Plea, such Sum of Money as he may think proper, and (by the like Leave) may plead the General Issue or other Plea or Pleas, any Rule of Court or Practice to the contrary notwithstanding.

Legal Proceedings.

Limitation of Actions.

Venue.

General Issue.

Tender of Amends, &c.

Money may be paid into Court.

CXL. And be it enacted, That no Matter or Thing done or Contract entered into by the Local Board of Health, nor any Matter or Thing done by any Superintending Inspector, or any Member of the said Local Board, or by the Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person whomsoever acting under the Direction of the said Local Board, shall, if the Matter or Thing were done or the Contract were entered into *bonâ fide* for the Purpose of executing this Act, subject them or any of them personally to any Action, Liability, Claim, or Demand whatsoever; and any Expense incurred by any such Local Board, Member, Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person acting as last aforesaid, shall be borne and repaid out of the General District Rates levied under the Authority of this Act.

Persons acting in execution of Act not to be personally liable.

CXLI. And be it enacted, That Her Majesty may from Time to Time alter or amend any Order in Council made under or in pursuance of the Provisions of this Act, by any subsequent Order in Council, in such Manner as Her Majesty, by and with the Advice of Her Privy Council, may think proper; and if at any Time it appear to the General Board of Health that any Provisional Order made by them under this Act should be altered or amended, or that the Boundaries of any

Miscellaneous.

Orders in Council and Provisional Orders may be amended, and Districts extended.

Miscellaneous.

District should be altered or extended, they shall make a Provisional Order under their Hands and Seal of Office accordingly: Provided always, that no Order in Council or Provisional Order as last aforesaid shall be made until such Proceedings have been taken in and with respect to the District and Parts to be affected thereby as are herein-before required to be taken previously to the original Constitution of a District under this Act; and no such Provisional Order shall be of any Force or Effect without the previous Authority of Parliament, as herein-before prescribed with respect to Provisional Orders made under this Act.

Publication
of Orders in
Council, &c.

CXLII. And be it enacted, That all Orders in Council under this Act shall take effect and be in full Force and Operation within the District to which they apply from and after a Day which shall be specified in such Orders for that Purpose; and a Copy of every such Order shall be published in the *London Gazette*, and shall be laid before Parliament in the Month of *January* in every Year, if Parliament be then sitting, or if Parliament be not then sitting then within One Week after the next Meeting thereof; and whenever any Provisional Order of the General Board of Health is submitted to Parliament for Confirmation, the said General Board shall present to both Houses of Parliament a Copy of all Reports of any Superintending Inspector with respect to the Parts to which the Provisional Order relates, and of all Memorials forwarded to the said General Board with respect to such Reports.

Reports of
Superintending
Inspectors, &c.
to be laid before
Parliament.Entry upon
Lands for the
Purposes of
this Act.

CXLIII. And be it enacted, That in case it shall become necessary to enter, examine, or lay open any Lands or Premises for the Purpose of making Plans, surveying, measuring, taking Levels, examining Works, ascertaining the Course of Sewers or Drains, or ascertaining or fixing Boundaries, and the Owner or Occupier of such Lands or Premises shall refuse to permit the same to be entered upon, examined, or laid open for the Purposes aforesaid or any of them, the Local Board of Health may, upon Notice to such Owner or Occupier, apply to Two Justices for an Order authorizing the Members of such Local Board, and the Superintending Inspector, Surveyor, and Inspector of Nuisances, or any of them, to enter, examine, and lay open the said Lands and Premises for the Purposes aforesaid or any of them, and if no sufficient Cause shall be shown against the same the said Justices may make an Order authorizing the same accordingly, and thereupon any Superintending Inspector, the Local Board of Health, or any Member thereof, the Surveyor, and Inspector of Nuisances, and any Person authorized by any such Superintending Inspector, Local Board, Surveyor, or Inspector of Nuisances, may, at all reasonable Times between the Hours of Ten in the Forenoon and Four in the Afternoon, enter, examine, or lay open the Lands or Premises mentioned in such Order, for such of the said Purposes as shall be specified in the said Order, without being subject to any Action or Molestation for so doing: Provided always, that, except in case of Emergency, no Entry shall be made or Works commenced under
the

the Powers of this Enactment unless Twenty-four Hours at the least previously thereto Notice of the intended Entry, and of the Object thereof, be given to the Occupier of the Premises intended to be entered.

Miscellaneous.

CXLIV. And be it enacted, That full Compensation shall be made out of the General or Special District Rates to be levied under this Act, to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to Amount the same shall be settled by Arbitration in the Manner provided by this Act; or, if the Compensation claimed do not exceed the Sum of Twenty Pounds, the same may be ascertained by and recovered before Justices in a summary Manner.

Compensation
in case of
Damage by
Local Board.

CXLV. And be it declared and enacted, That nothing in this Act shall be construed to authorize the Local Board of Health to use, injure, or interfere with any Sluices, Flood-gates, Sewers, Groynes, Sea Defences, or other Works already or hereafter made under the Authority of any Commissioners of Sewers appointed by the Crown, or any Sewers or other Works already or hereafter made and used for the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament, or for the Purpose of irrigating Lands, or to use, injure, or interfere with any Watercourse, Stream, River, Dock, Basin, Wharf, Quay, or Towing Path in which the Owner or Occupier of any Lands, Mills, Mines, or Machinery, or the Proprietors or Undertakers of any Canal or Navigation, shall or may be interested, without Consent in Writing first had and obtained; and that nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities given or reserved to any Person under any Local or Private Act of Parliament for the Drainage, Preservation, or Improvement of Land, or for or in respect of any Mills, Mines, Machinery, Canal, or Navigation, as last aforesaid.

Sewers, &c. of
Commissioners
of Sewers,
private Water-
courses, &c. not
to be used with-
out Consent.

CXLVI. And be it enacted, That in any Case in which the Local Board of Health may have incurred Expenses for the Repayment whereof the Owner of the Premises for or in respect of which the same are incurred is made liable by this Act, the said Local Board may, if they think fit, allow such Owner Time for Repayment, and receive the same by such annual Instalments, not being less than One Thirtieth Part of the entire Sum, together with Interest at the Rate of Five Pounds in the Hundred upon the Sum from Time to Time remaining unpaid, as they, under the Circumstances of each Case, may consider to be just; but although Time for Repayment be allowed as last aforesaid, the Sum due, or so much thereof as may be unpaid, shall from Time to Time, in case of Default in Payment at the Times respectively appointed for Payment, be recoverable in like Manner in all respects as the entire Sum might have been recovered if Time for Repayment had not been allowed.

Local Board
may allow
Owners Time
for Repayment
of Expenses.

CXLVII. And be it enacted, That every Person who upon any Examination on Oath under the Provisions of this Act shall

False Evidence
punishable as
Perjury.

Miscellaneous.

Penalty for
obstructing
Officers, de-
facing Boards,
&c. ;

upon Occupiers
preventing
Execution of
Works.

Occupiers to
disclose Owners
Name.

Consents of
Board of Health
and Local Board
to be in Writing.

Service of
Notice upon
Local Board ;

shall wilfully and corruptly give false Evidence shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury.

CXLVIII. And be it enacted, That whosoever wilfully obstructs any Superintending Inspector, or any Member of the Local Board of Health, or any Officer or Person duly employed in the Execution of this Act, or destroys, pulls down, injures, or defaces any Board upon which any Bye Law, Notice, or other Matter is inscribed, shall, if the same were put up by Authority of the Local or General Board of Health, be liable for every such Offence to a Penalty not exceeding Five Pounds; and if the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, any Justice to whom Application is made in this Behalf shall, by Order in Writing (which may be according to the Form contained in the Schedule (F.) to this Act annexed, or to the like Effect), require such Occupier to permit the Execution of the Works required to be executed, provided that the same appear to such Justice to be such as are necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Refusal; and if the Occupier of any Premises, when requested by or on behalf of the Local Board of Health to state the Name of the Owner of the Premises occupied by him shall refuse or wilfully omit to disclose or wilfully mis-state the same, any Justice may, on Oath made before him of such Request, and Refusal, Omission, or Mis-statement, summon the Party to appear before him or some other Justice at a Time and Place to be appointed in such Summons, and if after being so summoned he neglect or refuse to attend at the Time and Place so appointed, or if he do not show good Cause for such Refusal, or if such wilful Omission or Mis-statement be proved, the Justice before whom the Party is so summoned may impose upon the Offender a Penalty not exceeding Five Pounds.

CXLIX. And be it enacted, That whenever the Consent, Sanction, or Approval or Authority of the General Board of Health is required by the Provisions of this Act, the same shall be in Writing under their Seal and the Hands of Two or more Members thereof; and whenever the Consent, Sanction, Approval, or Authority of the Local Board of Health is so required the same shall (in the Case of a Noncorporate District) be in Writing under their Seal and the Hands of Five or more of them, or (in case of a Corporate District) under their Common Seal.

CL. And be it enacted, That any Summons, Notice, Writ, or Proceeding of any Kind whatsoever to be served upon the Local Board of Health may be so served by being left at or sent through any Post Office, directed to the Local Board of Health at their Office, or by being delivered there to the Clerk personally ;

sonally; and in all Cases in which any Notice is by this Act required to be given to the Owner or Occupier of any Premises it shall be sufficient to address the Notice to them by the Description of the "Owner" or "Occupier" (as the Case may require) of the Premises (naming them) in respect of which the Notice is given, without further Name or Description; and the Notice shall be served upon them or One of them, as the Case may require, either personally or by delivering the same to some Inmate of his or their Place of Abode, or in the Case of the Occupier (and also in case of the Owner, if his Place of Abode be unknown,) upon any Inmate of the last-mentioned Premises, or if such Premises be unoccupied, then, in case the Notice is required to be served upon the Occupier, (and in case of the Owner also, if his Residence be unknown,) it shall be sufficient to fix the Notice upon some conspicuous Part of the Premises: Provided always, in the Case of Notices to the Owner, that, although his Place of Abode be known to the Local Board of Health, yet, if it be not within the Limits of their District, it shall be sufficient for them to transmit any Notice, directed to him by Name, through the Post.

CLI. And be it enacted, That no Advertisement inserted or caused to be inserted by the General or Local Board of Health in the *London Gazette* or any Paper or Publication under this Act, or for the Purpose of carrying the same into effect, nor any Deed, Award, Submission, Instrument, Contract, Agreement, or Writing made or executed by the said General or Local Board, their Officers or Servants, under or for the Purposes of this Act, nor any Appointment by the General or Local Board of any Officer or Person under this Act, shall be chargeable with any Stamp Duty whatever; and in case any Vault, Cellar, or underground Room of any House containing at the Time of the passing of this Act Seven Windows or Lights only, shall have been let or occupied separately as a Dwelling before the passing of this Act, without any external Window, or such an external Window as is required by the Provisions of this Act with respect to the letting and Occupation of Vaults, Cellars, and underground Rooms, and it shall become necessary, by reason of such Provisions, to make such an external Window as is required thereby, in order that such Vault, Cellar, or underground Room may lawfully be let or occupied separately as a Dwelling, the making only of such external Window shall not render any Person liable in respect of such House to the Duties payable for a House having Eight Windows or Lights, anything in any Act of Parliament to the contrary notwithstanding.

Exemptions
from Stamp
Duty.

Exemption
from Window
Duty in certain
Cases.

CLII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

Amendment of
Act, &c.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Form of Voting Paper.

District of _____

No. of Voting Paper.	Name and Address of Voter.	Number of Votes.	
		As Owner.	As Rate-payer.

Directions to the Voter.

The Voter must write his Initials against the Name of every Person for whom he votes, and must sign this Paper.

If the Voter cannot write he must affix his Mark, but such Mark must be attested by a Witness, and such Witness must write the Initials of the Voter against the Name of every Person for whom the Voter intends to vote.

If a Proxy vote he must in like Manner write his Initials, sign his own Name, and state in Writing the Name of the Corporation or Company for whom he is Proxy.

Initials of the Voter against the Names of the Persons for whom he intends to vote.	Names of the Persons nominated.	Residence of the Persons nominated.	Quality or Calling of the Persons nominated.	Names of the Nomi- nators.	Address of the Nomi- nators.
.
.
.
.
.
.

I vote for the Persons in the above List against whose Names my Initials are placed.

Signed _____

or The Mark of _____

Witness to the Mark.

or _____ Proxy for _____

SCHEDULE (B.)

Form of Mortgage of Rates.

BY virtue of the Public Health Act, 1848, the Local Board of Health for the District of _____ in consideration of the Sum of _____ paid to the Treasurer of the said District by *A.B.* of _____ for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates arising or accruing by virtue of the said Act from [*the Rates mortgaged*] as the said Sum of _____ doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates, to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from the Day of the Date hereof until the said Sum of _____ with Interest at the Rate of _____ per Centum per Annum for the same, shall be fully paid and satisfied: And it is hereby declared, that the said Principal Sum shall be repaid on the _____ Day of _____ at [*Place of Payment*]. Dated this _____ Day of _____ One thousand eight hundred and _____

[*In case of a Noncorporate District, to be signed by Five Members at least of the Local Board of Health, and sealed with their Seal; in case of a Corporate District, to be sealed with the Common Seal.*]

SCHEDULE (C.)

Form of Transfer of Mortgage.

I *A.B.* of _____ in consideration of the Sum of _____ paid to me by *C.D.* of _____ do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage bearing Date the _____ Day of _____ and made by the Local Board of Health for the District of _____ for securing the Sum of _____ and Interest thereon at _____ per Centum per Annum [*or if such Transfer be by Endorsement on the Mortgage, insert, instead of the Words immediately following the Word "Assigns," the within Security*], and all my Right, Estate, and Interest in and to the Money thereby secured, and in and to the Rates thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this _____ Day of _____ One thousand eight hundred and _____ *A.B.* (L.s.)

SCHEDULE (D.)

Form of Distress Warrant.

To *A.B.* Collector of Rates, and to all Constables and Peace Officers.

County of _____ } WHEREAS Complaint hath been duly made by
[or Borough, &c.] } *A.B.*, One of the Collectors for the District
to wit. } of _____ under and by virtue of the
Public Health Act, 1848, that *C.D.* of, &c. hath not paid and hath

hath refused to pay the Sum of _____ duly assessed upon
him in and by a certain Rate bearing Date on or about the
_____ Day of _____ in the Year of our Lord
One thousand eight hundred and _____ although the same
hath been duly demanded of him: And whereas it appears to
me *E.F.*, Esquire, One of Her Majesty's Justices of the Peace
in and for the said County [*or Borough, &c.*], as well upon the
Oath of the said *A.B.* as otherwise, that the said Sum of _____
hath been duly demanded in Writing by him
from the said *C.D.*, and that the said _____ hath refused
to pay the same for the Space of Fourteen Days after such
Demand made, and doth refuse to pay the same: And whereas
the said *C.D.* hath been duly summoned to appear before me
to show Cause why the said Sum should not be paid by him,
and not having shown to me any sufficient Cause why the same
should not be paid, These are therefore, in Her Majesty's Name,
to command you to levy the said Sum of _____ and
also the Sum of _____ the Costs of proceeding to obtain
this Warrant, by Distress and Sale of the Goods and Chattels
of the said *C.D.*, and your reasonable Charges of taking, keep-
ing, and selling the said Distress, rendering to him the Overplus
(if any), on Demand; and if sufficient Distress cannot be found
of the Goods and Chattels of the said *C.D.*, that then you
certify the same to me, together with this Warrant, to the end
that such further Proceedings may be had therein as to the
Law doth appertain.

Given under my Hand and Seal, the _____ Day
of _____ in the Year of our Lord
(Signed) *E.F.* (L.S.)

SCHEDULE (E.)

Form of Conviction.

County of _____ } BE it remembered, That on the
[*or Borough, &c.*] } Day of _____ in the Year of our Lord
to wit. } *A.B.* is convicted before me
[*or us*] One [*or Two*] of Her Majesty's Justices of
the Peace in and for the County [*or Borough, &c.*] of
[*here describe the Offence generally, and the Time and Place*
when and where committed, in the Words of this Act, or as near
thereunto as may be], contrary to the Public Health Act, 1848
and I [*or we*] do adjudge that the said *A.B.* hath forfeited for
his said Offence the Sum of [*Amount of Penalty adjudged*], and
that he do pay to *C.D.* the further Sum of _____ as and
for his Costs in this Behalf.

Given under my Hand and Seal [*or our Hands and Seals*],
the Day and Year first above written.

(Signed) (L.S.)
(L.S.)

SCHEDULE (F.)

Form of Order to permit Execution of Works by Owners.

County of
[or Borough, &c.] } WHEREAS Complaint hath been made to me,
to wit. } *E.F.* Esquire, One of Her Majesty's Justices
of the Peace in and for the County [or
Borough, &c.] of by *A.B.*, Owner, within the
Meaning of the Public Health Act, 1848, of certain Premises,
to wit, a House [*as the Case may be*] situate in
Street [*as the Case may be*] in the Parish of in the
said County [or Borough, &c.], that *C.D.*, the Occupier of the
said Premises, doth prevent the said *A.B.* from obeying and
carrying into effect the Provisions of the said Act in this, to
wit, that he the said *C.D.* doth prevent the said *A.B.* from
[*here describe the Works generally, according to Circumstances,*
for instance, thus: constructing and laying down, in connexion
with the said House, a covered Drain, so as to communicate
with a [Sewer or Drain] of the Local Board of Health of the
District of [or a Sewer, &c. which the Local Board
of Health of the District of are entitled to use,
as the Case may require], such Sewer being within One hun-
dred Feet of the said House]: And whereas the said *C.D.*,
having been duly summoned to answer the said Complaint, and
not having shown sufficient Cause against the same, and it
appearing to me that the said Works are necessary for the
Purpose of enabling the said *A.B.* to obey and carry into effect
the Provisions of the said Act, I do hereby order that the said
C.D. do permit the said *A.B.* to execute the same in the
Manner required by the said Act.

Given under my Hand and Seal, this Day
of in the Year of our Lord One thousand eight
hundred and

E.F. (L.S.)

CAP. LXIV.

An Act to continue until the First Day of *October* One
thousand eight hundred and forty-nine, and to the
End of the then next Session of Parliament, an Act
to amend the Laws relating to Loan Societies.

[31st August 1848.]

‘ WHEREAS an Act was passed in the Fourth Year of the
‘ Reign of Her Majesty, intituled *An Act to amend the* 3 & 4 Vict.
‘ *Laws relating to Loan Societies*, which Act has been continued c. 110.
‘ by sundry Acts until the First Day of *October* in the Year
‘ One thousand eight hundred and forty-eight, and to the End
‘ of the then next Session of Parliament, and it is expedient
‘ that the same should be further continued:’ Be it enacted by
the Queen’s most Excellent Majesty, by and with the Advice
and Consent of the Lords Spiritual and Temporal, and Com-
mons,

Recited Act
further con-
tinued.

Act may be
amended, &c.

mons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall be further continued to the First Day of *October* in the Year One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LXV.

An Act to suspend until the First Day of *October* One thousand eight hundred and forty-nine the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom. [31st *August* 1848.]

General and
Subdivision
Meetings relat-
ing to the
Militia sus-
pended.

‘ **WHEREAS** it is expedient to suspend for a further Period the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all General and Subdivision Meetings relating to the Militia of the United Kingdom, and all Proceedings relating to the procuring any Returns, or preparing or making out Lists of such Militia or any Part thereof, or relating to the balloting for or enrolling any Militia Men or Substitutes, or supplying any Vacancies in such Militia, shall cease and remain suspended until the First Day of *October* One thousand eight hundred and forty-nine.

Proceedings
may be had
during such
Suspension
by Order in
Council.

II. Provided always, and be it enacted, That it shall be lawful for Her Majesty by any Order in Council to direct that any Proceedings shall be had at any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia of the United Kingdom or any Part thereof, as Her Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in *England*, *Scotland*, and *Ireland* respectively, relating to the giving Notices for and Returns for Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Times respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof, to Lord Lieutenants, or Deputy Lieutenants acting for Lord Lieutenants, of the several Counties, Shires, Ridings, Cities, and Places in *Great Britain*, or to the Governors and Deputy Governors of Counties and Places in *Ireland*, or to the Warden and special Deputy Wardens of the Stannaries; and all the Provisions of the several Acts in force in *England*, *Scotland*, and *Ireland*, respectively, relating to the Militia and Corps of Miners in *Cornwall* and

and *Devon*, shall upon any such Order, and Direction given in pursuance thereof, become and be in full Force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia and Miners.

III. And be it enacted, That this Act shall be construed to extend to the Warden and Special Deputy Wardens of the Stannaries and Corps of Miners in *Cornwall* and *Devon*, as fully as if they were severally repeated in every Clause, Provision, Direction, and Authority herein contained.

Act to extend to Wardens of Stannaries and to Corps of Miners.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

CAP. LXVI.

An Act to continue to the First Day of *October* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads.

[31st August 1848.]

‘ WHEREAS an Act was passed in the Fifth Year of the
 ‘ Reign of Her Majesty, intituled *An Act to authorize for*
 ‘ *One Year, and until the End of the then next Session of Par-*
 ‘ *liament, an Application of a Portion of the Highway Rates to*
 ‘ *Turnpike Roads in certain Cases*, which Act has been con-
 ‘ tinued by sundry Acts until the First Day of *October* in the
 ‘ Year One thousand eight hundred and forty-eight, and to the
 ‘ End of the then next Session of Parliament; and it is expe-
 ‘ dient that the same be further continued:’ Be it enacted by
 the Queen’s most Excellent Majesty, by and with the Advice
 and Consent of the Lords Spiritual and Temporal, and Com-
 mons, in this present Parliament assembled, and by the Autho-
 rity of the same, That the said Act shall be continued until the
 First Day of *October* in the Year One thousand eight hundred
 and forty-nine, and to the End of the then next Session of
 Parliament.

4 & 5 Vict. c. 59.

Recited Act further continued.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

CAP. LXVII.

An Act for further continuing until the First Day of *August* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England*.

[31st August 1848.]

‘ WHEREAS by an Act passed in the Tenth and Eleventh
 ‘ Years of the Reign of Her present Majesty, intituled
 ‘ *An Act to amend the Law as to Ecclesiastical Jurisdiction in*
 ‘ *England*, 10 & 11 Vict.
 ‘ c. 98.

Certain Provisions of recited Act further continued.

Act may be amended, &c.

‘ England, it was enacted, that certain of the Provisions therein
‘ contained should continue until the First Day of *August* One
‘ thousand eight hundred and forty-eight, and if Parliament
‘ were then sitting until the End of the then Session of Parlia-
‘ ment: And whereas it is expedient that the said Provisions
‘ should be further continued:’ Be it therefore enacted by the
Queen’s most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in
this present Parliament assembled, and by the Authority of the
same, That the said Provisions of the said recited Act shall
continue until the First Day of *August* One thousand eight
hundred and forty-nine, and thenceforth to the End of the then
next Session of Parliament.

II. And be it enacted, That this Act may be amended or
repealed in this present Session of Parliament.

CAP. LXVIII.

An Act for extending to *Ireland* an Act passed in the
last Session of Parliament, intituled *An Act for better
securing Trust Funds, and for the Relief of Trustees.*

[31st *August* 1848.]

10 & 11 Vict.
c. 96.

Trustees may
pay Trust
Monies, or
transfer Stocks
and Securities,
into the Court
of Chancery or
Exchequer in
Ireland.

‘ **W**HEREAS an Act was passed in the last Session of
‘ Parliament, intituled *An Act for better securing Trust
‘ Funds, and for the Relief of Trustees*, and it is expedient to
‘ extend certain of the Provisions of the said Act to *Ireland*:’
Be it enacted by the Queen’s most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled, and
by the Authority of the same, That all Trustees, Executors,
Administrators, or other Persons having in their Hands any
Monies belonging to any Trust whatsoever, or the major Part
of them, shall be at liberty, on filing an Affidavit shortly describ-
ing the Instrument creating the Trust, according to the best of
their Knowledge and Belief, to pay the same, with the Privity
of the Accountant General of the High Court of Chancery or of
the Accountant General of the Court of Exchequer in *Ireland*,
into the Bank of *Ireland*, to the Account of such Accountant
General in the Matter of the particular Trust (describing the
same by the Names of the Parties as accurately as may be, for
the Purpose of distinguishing it), in trust to attend the Orders
of the said Courts respectively, and that all Trustees or other
Persons having any Annuities or Stocks standing in their Name
in the Books of the Governor and Company of the Bank of
Ireland, or of any Canal Company in *Ireland*, or any Govern-
ment or Parliamentary Securities standing in their Names, or
in the Names of any deceased Persons of whom they shall be
personal Representatives, upon any Trusts whatsoever, or the
major Part of them, shall be at liberty to transfer or deposit
such Stocks or Securities into or in the Name of the said
Accountant General, with his Privity, in the Matter of the
particular Trust (describing the same as aforesaid), in trust to
attend

attend the Orders of the said Courts respectively; and in every such Case the Certificate of the Accountant General of such Payment, or of the Transfer or Deposit of such Stocks or Securities, shall be a sufficient Discharge to such Trustees or other Persons for the Money so paid or the Stocks or Securities so transferred or deposited.

Certificate of Accountant General to be sufficient Discharge.

II. And be it enacted, That such Orders as shall seem fit shall be from Time to Time made by the said Court of Chancery or Court of Exchequer, in respect of the Trust Monies, Stocks, or Securities so paid in, transferred, and deposited as aforesaid, and for the Investment and Payment of any such Monies, or of any Dividends or Interest on any such Stocks or Securities, and for the Transfer and Delivery out of any such Stocks and Securities, and for the Administration of any such Trusts generally, upon a Petition to be presented in a summary Way, without Bill, by such Party or Parties as to the Court shall appear to be competent and necessary in that Behalf, and Service of such Petition shall be made upon such Person or Persons as the Court shall see fit and direct; and every Order made upon any such Petition shall have the same Authority and Effect, and shall be enforced and subject to Rehearing and Appeal in the same Manner, as if the same had been made in a Suit regularly instituted in the Court; and if it shall appear that any such Trust Funds cannot be safely distributed without the Institution of One or more Suit or Suits, the Lord Chancellor or Master of the Rolls, or the said Court of Exchequer, may direct any such Suit or Suits to be instituted.

Courts of Chancery or Exchequer to make Orders on Petition, without Bill, for Application of Trust Monies and Administration of Trust.

III. And be it enacted, That if upon any Petition presented in the Matter of the said Act it shall appear to the Court or Judge before whom such Petition shall be heard that any Monies, Annuities, Stocks, or Securities are vested in any Persons as Trustees, Executors, or Administrators, or otherwise, upon Trusts within the Meaning of this Act, and that the major Part of such Persons are desirous of transferring, paying, or delivering the same to the Accountant General of the High Court of Chancery, or to the Accountant General of the Court of Exchequer in *Ireland*, under the Provisions of this Act, but that, for any Reason, the Concurrence of the other or others of them cannot be had, it shall be lawful for the said Courts of Chancery and Exchequer respectively to order and direct that such Transfer, Payment, or Delivery be made by the major Part of such Persons without the Concurrence of the other or others of them; and where any such Monies or Government or Parliamentary Securities shall be deposited with any Banker, Broker, or other Depository, it shall be lawful for such Courts respectively as aforesaid to make such Order for the Payment or Delivery or Transfer of such Monies, Government or Parliamentary Securities, to the major Part of such Trustees, Executors, Administrators, or other Persons as aforesaid, or otherwise, for the Purpose of being paid or delivered or transferred to the said Accountant General, as to the said Courts respectively shall seem meet; and every Transfer of any Annuities, Stocks, or

Where Concurrence of all the Trustees, &c. cannot be procured, the Court or Judge empowered to order Transfer of Monies, &c. by the major Part of such Trustees, &c.

or Securities, and every Payment of Money or Delivery of Securities, in pursuance of any such Order, shall be as valid and effectual as if the same had been made on the Authority or by the Act of all the Persons entitled to the Annuities, Stocks, or Securities so transferred, or the Monies or Securities so paid or delivered respectively, and shall fully protect and indemnify the Governor and Company of the Bank of *Ireland*, and all other Persons acting under or in pursuance of such Order.

Lord Chancellor, with Master of the Rolls or the Court of Exchequer, may make Orders for Payment, &c.

IV. And be it enacted, That the Lord Chancellor, with the Assistance of the Master of the Rolls, shall have Power and is hereby authorized to make such Orders as from Time to Time shall seem necessary for better carrying the Provisions of this Act into effect; and the said Court of Exchequer shall have the like Power and Authority in respect to Payments, Transfers or Deposits made to or with the Accountant General of that Court.

No Money paid under this Act liable to Usher's Poundage.

V. And be it enacted, That no Money so paid into the Bank of *Ireland* to the Credit of the Accountant General of the Court of Chancery, or paid out under any Order made under this Act by the Lord Chancellor or Master of the Rolls, shall be liable to Usher's Poundage.

Affidavit to state that Legacy Duty has been paid.

VI. And be it enacted, That every Affidavit to be made on the Occasion of any Payment of Money or Transfer or Deposit of Stocks or Securities under this Act by any personal Representative shall state that the Legacy Duty, if any payable thereon, has been duly paid.

Construction of Expression "Lord Chancellor."

VII. And be it enacted, That in the Construction of this Act the Expression "the Lord Chancellor" shall mean and include the Lord Chancellor, Lord Keeper and Lords Commissioners for the Custody of the Great Seal of *Ireland*, for the Time being.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXIX.

An Act to repeal so much of an Act of the Parliament of *Ireland* of the Twenty-third and Twenty-fourth Years of King *George* the Third, "for the more
" effectually punishing such Persons as shall by
" Violence obstruct the Freedom of Corn Markets
" and the Corn Trade, and who shall be guilty of
" other Offences therein mentioned, and for making
" Satisfaction to the Parties injured," as relates to the making of Satisfaction to the Parties injured; and to substitute other Provisions in lieu thereof; and to repeal the Provisions of the Acts which give Remedies against any Hundreds or Baronies in *Ireland* in respect of Robbery. [31st August 1848.]

WHEREAS by an Act passed in the Parliament of *Ireland* in the Session holden in the Twenty-third and Twenty-fourth Years of the Reign of His late Majesty King *George*

‘ George the Third, intituled *An Act for the more effectually* 23 & 24 G. 3.
 ‘ *punishing such Persons as shall by Violence obstruct the Free-* (1.)
 ‘ *dom of Corn Markets and the Corn Trade, or who shall be*
 ‘ *guilty of other Offences therein mentioned, and for making*
 ‘ *Satisfaction to the Parties injured,* it is amongst other things
 ‘ enacted, that if any Persons, unlawfully, riotously, and tumultu-
 ‘ tuously assembled together, shall at any Time after the passing
 ‘ of the said Act wilfully and maliciously pull down, demolish,
 ‘ set fire to, or destroy, or shall begin to pull down, demolish,
 ‘ set fire to, or destroy, any Storehouse, Mill, Granary, Corn-
 ‘ stack, or other Place where Corn, Grain, Meal, Malt, Flour,
 ‘ or Potatoes are usually stored or kept for Exportation or Sale,
 ‘ or shall unlawfully enter or break into, or unlawfully attempt
 ‘ to enter or break into, any such Storehouse, Mill, Granary, or
 ‘ other Place, or take, carry away, throw abroad, or spoil, or
 ‘ attempt by Force to take, carry away, throw abroad, or spoil,
 ‘ any Corn, Meal, Malt, Flour, or Potatoes which shall be
 ‘ stored or kept therein, or shall unlawfully enter on board any
 ‘ Ship, Vessel, or Boat wherein any Corn, Grain, Meal, Malt,
 ‘ Flour, or Potatoes shall be laden, and wilfully take, carry
 ‘ away, cast overboard, destroy, or damage any of the said
 ‘ Articles laden therein, or wilfully cut, injure, spoil, or take
 ‘ away the said Ship, Vessel, or Boat, or the Rigging, Furniture,
 ‘ Tackle, or Rudder thereof, or any Part of such Ship, Vessel,
 ‘ or Boat, Rigging, Furniture, or Tackle, or unlawfully, wil-
 ‘ fully, and by Force obstruct or prevent, or endeavour to
 ‘ obstruct or prevent, the loading or carrying any of the said
 ‘ Articles on board any Ship, Vessel, or Boat, or shall unlaw-
 ‘ fully, wilfully, and by Force prevent or endeavour to prevent
 ‘ any Ship, Vessel, or Boat laden therewith, or in which any of
 ‘ said Articles shall be laden, from sailing, or shall unlawfully,
 ‘ wilfully, and knowingly, and by Force stop, seize, detain,
 ‘ take, or drive away any Horse, Car, Cart, Carriage, or Boat
 ‘ laden with any of the said Articles on the Way to or from
 ‘ any Mill, Store, Granary, or Market, Sea-port or Place of
 ‘ Shipping, with a View or Intent to prevent the Corn, Grain,
 ‘ Meal, Malt, Flour, Bread, Biscuit, or Potatoes therein, or
 ‘ laden thereon, or any Part thereof, from being taken to the
 ‘ House, Vessel, Storehouse, Place, or Person to which it was
 ‘ intended to be carried, or shall wilfully kill or maim any
 ‘ Horse or Horses or other Beast or Beasts laden therewith, or
 ‘ shall wilfully and forcibly cut or otherwise break or destroy
 ‘ any of the Sacks, or scatter or throw abroad any of the afore-
 ‘ said Articles, wherewith such Car, Cart, Carriage, Horse, or
 ‘ Boat is or shall be laden, or take away or distribute, or com-
 ‘ pel the Owner, Driver, or Conductor thereof to distribute,
 ‘ sell, or otherwise dispose of any such Article wherewith such
 ‘ Car, Cart, Carriage, Boat, Horse, or other Beast is laden, or
 ‘ any Part thereof, or shall wilfully destroy any Weir, Sluice,
 ‘ Mill Dam, Drain, or Outwork belonging or appertaining to
 ‘ any Mill, every such Person so offending in any of the said
 ‘ Matters, and all Persons unlawfully, riotously, or tumultuously
 [No. 44. Price 2d.] X x ‘ assembled,

‘ assembled, who shall aid or assist in the Commitment or the
‘ attempting to commit any of the said Offences, being thereof
‘ lawfully convicted, shall be adjudged Felons, and shall suffer
‘ such Punishment as in the said Act provided; and that all
‘ Damages which shall be sustained by means of any of the
‘ Offences aforesaid, or by any Violence committed against or
‘ contrary to the said Act, shall and may be recovered by Action
‘ to be brought in any of His Majesty’s Courts of Record in
‘ this Kingdom (wherein no Essoign, Protection, Wager of Law,
‘ or Imparlance shall be allowed) by the Person or Persons
‘ injured, his, her, or their Executors or Administrators, against
‘ the Chief or any other Magistrate of the County of the Town
‘ or City if the said Injury or Violence shall have been com-
‘ mitted in the County of a Town or City, or against any One
‘ or more of the Inhabitants of the Parish in any County if the
‘ said Injury or Violence shall have been committed in any
‘ Parish not being in a County of a Town or City; and if on
‘ such Action Judgment shall be given for the Plaintiff or
‘ Plaintiffs, the Damages recovered on such Judgment, toge-
‘ ther with the Costs, shall be levied as therein-after directed,
‘ and paid to the Plaintiff or Plaintiffs, his, her, or their Exe-
‘ cutors or Administrators: And whereas great Expenses are
‘ incurred in proceeding by Action at Law in pursuance of the
‘ Provisions of the said recited Act, and it is expedient that
‘ such Damages should be recoverable by shorter, less expensive,
‘ and more summary Proceedings:’ Be it therefore enacted by
the Queen’s most Excellent Majesty, by and with the Advice
and Consent of the Lords Spiritual and Temporal, and Com-
mons, in this present Parliament assembled, and by the Autho-
rity of the same, That from and after the passing of this Act so
much of the said recited Act as provides that any Damages
sustained by means of any of the Offences therein stated, or by
any Violence committed against or contrary to the said recited
Act, may be recovered by Action to be brought in any of Her
Majesty’s Courts of Record in *Ireland* against the Chief or any
other Magistrate of any County of a Town or City, or against
any One or more of the Inhabitants of any Parish in any
County, or as relates to the Proceedings in any such Action, or
to the Recovery of such Damages, shall be and is hereby
repealed, save and except as to any Action or Proceeding
heretofore commenced for any such Damages sustained by any
such Offence or Violence heretofore committed.

So much of
recited Act as
relates to Pro-
ceedings in
Actions and
Recovery of
Damages
repealed.

Damages sus-
tained by means
of Offences
against recited
Act to be reco-
vered by like
Proceedings as
Damages are
recovered under
11 & 7 W. 4.
c. 116. and
7 & 8 Vict. c. 106.

II. And be it enacted, That all Damages which have hereto-
fore been sustained, or shall at any Time after the passing of
this Act be sustained, by any Person or Persons by means of
any of such Offences against the said recited Act, or by any
Violence committed against or contrary to the same, shall and
may be recovered by like Applications and Proceedings, and by
like Presentments of the Grand Jury of the County, County
of a City, or County of a Town, in which any such Offence or
Violence shall have been committed, and subject to like Tra-
verses, and subject to like Provisions, and in like Manner in all
respects

respects as by an Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of public Money by Grand Juries in Ireland*, or by an Act of the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws for the Regulation of Grand Jury Presentments in the County of Dublin*, respectively, is or are provided in relation to the Application for or Recovery of Compensation for Losses or Damages sustained by any Person or Persons by means of the mischievously or wantonly setting fire to, burning, or destroying any House, Outhouse, or other Building, or any Haggard, Corn, Hay, Straw, or Turf, or the maliciously setting fire to, burning, or sinking any Boat or Barge laden with Corn or other Provisions, or the maliciously killing, maiming, houghing, or injuring any Horse, Mule, Ass, or Swine, or any Horned Cattle or Sheep, or the maliciously damaging, injuring, or destroying any Bank, Gate, Lock, Weir, Sluice, Bridge, Dam, or other Work belonging to any Person, public Canal or Navigation; and the Provisions of the said Two last-mentioned Acts respectively shall be accordingly applied for the Recovery of Compensation for Damages sustained by means of any of such Offences as aforesaid against the said first-recited Act: Provided always, that in the Case of any of such Offences committed in the County of the City of *Dublin* Compensation for Damages sustained by any Person or Persons by means thereof shall and may be recovered in like Manner in all respects as by an Act of the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act for extending to the County of the City of Dublin the Provisions of an Act passed in the Nineteenth and Twentieth Years of His late Majesty King George the Third in Ireland, intituled 'An Act to prevent the detestable Practices of ' houghing Cattle, burning of Houses, Barns, Haggards, and ' Corn, and for other Purposes,' so far as relates to burning of Houses*, is provided in relation to the malicious burning of Houses, Barns, Haggards, Corn, or other Articles or Effects.

Compensation for Offences committed in the City of Dublin may be recovered under 4 & 5 Vict. c. 10.

III. And be it enacted, That after the passing of this Act it shall be lawful for any Person or Persons against whom any Action shall have been commenced or prosecuted before the passing of this Act, and shall be now pending, for the Recovery of any Damages sustained by means of any Offence or Violence committed contrary to the said first-recited Act, or for the Plaintiff or Plaintiffs in any such Action, to apply at any Time before the Trial to the Court in which such Action shall have been commenced or prosecuted, or to any Judge of any of the Superior Courts at *Dublin*, for an Order that such Action shall be discontinued; and every such Court or Judge, upon such Application, shall make such Order as aforesaid, and shall order the Costs of the Plaintiff to be taxed as between Party and Party; and upon the making of such Order such Action shall be forthwith stayed or discontinued; and thereupon, after such

Actions commenced before passing of this Act for Recovery of Damages under first-recited Act may be discontinued, and such Damages may be recovered by Presentment of Grand Jury.

Stay of Proceedings, it shall be lawful for the Person or Persons who shall have so commenced or prosecuted such Action, or his, her, or their Executors or Administrators, to proceed to recover such Damages, together with the Costs so taxed as aforesaid, and to obtain the same by Presentment of the Grand Jury, in the same Manner as in the immediately preceding Provision respectively directed: Provided always, that it shall not be necessary for such Person or Persons, or for any Person or Persons who has or have sustained any such Damages before the passing of this Act, to serve or post any Notice of his, her, or their Intention to apply for Compensation for any such Damages or Costs upon any Person or Persons, save that he, she, or they shall lodge with the Secretary of the respective Grand Jury, as Applications for Public Works are required to be lodged, an Application, setting forth the Loss or Damages sustained, and the Amount thereof, and of such Costs so taxed aforesaid, and setting forth the Time and Place when and where such Injury was done, and the particular Property injured; which Application shall be scheduled by the Secretary of the Grand Jury, and, subject as aforesaid, be dealt with, as near as may be, as other Applications for Compensation for Damages in other Cases.

So much of Acts
13 Edw. 1.,
28 Edw. 3., and
10 & 11 Car. 1.
as relates to
Remedies
against Hun-
dreds or Baro-
nies in Ireland
repealed.

IV. ‘ And whereas by an Act passed in the Thirteenth Year of the Reign of King *Edward* the First, and by another Act passed in the Twenty-eighth Year of the Reign of King *Edward* the Third, Remedies are given against Hundreds and Franchises, in respect of Robberies committed therein: And whereas by another Act passed in the Parliament of *Ireland* in the Session holden in the Tenth and Eleventh Years of the Reign of King *Charles* the First, intituled *An Act for the following of Hue and Cry*, further Provision is made relating to the Recovery of Damages against the Hundred or Barony in respect of Robberies committed; and it is expedient that so much of the said recited Acts as relates to Remedies against any Hundred, and to the Recovery of Damages against any Hundred or Barony or the Inhabitants thereof, in respect of any Robberies committed, should be repealed, so far as relates to *Ireland*:’ Be it therefore enacted, That from and after the passing of this Act so much of the said last-recited Acts as relates to any Remedies against any Hundred, or to the Recovery of Damages against any Hundred or Barony in *Ireland*, or the Inhabitants thereof, in respect of any Robbery, shall be and the same is hereby repealed, save and except as to any Action or Proceeding heretofore commenced in respect of the same; and in the Case of any such Action or Proceeding heretofore commenced, the same shall and may be stayed and discontinued, in like Manner and subject to like Regulations as herein-before provided as to staying and discontinuing Proceedings, and after such Stay of Proceedings it shall be lawful for the Person or Persons who shall have so commenced or prosecuted such Action, or his or their Executors or

Persons having
sustained Da-
mage, and for
which they
might have a
Remedy under
recited Acts,
may, having
commenced an

Administrators, and it shall be lawful also for any Person or Persons who shall have heretofore sustained any such Damages by means of any Robbery, and for which he might now have any Remedy under the said recited Acts, and who shall not have commenced any Action or Proceeding therefor, before the passing of this Act, his, her, or their Executors and Administrators, (in either of such Cases,) to proceed to recover such Damages, and, in the Case of an Action being commenced, the taxed Costs as aforesaid, and to recover the same by Presentment of the Grand Jury, in the same Manner as in the immediately preceding Provisions respectively directed: Provided always, that it shall not be necessary for such Person or Persons to serve or post any Notice of his, her, or their Intention to apply for Compensation for any such Damages upon any Person or Persons, save that he, she, or they shall lodge with the Secretary of the respective Grand Jury, as Applications for Public Works are required to be lodged, an Application setting forth the Loss or Damages sustained, and the Amount thereof, and, in the Case of any Action commenced, the taxed Costs as aforesaid, and setting forth the Time and Place when and where such Robbery was committed, and the particular Property robbed, which Application shall be scheduled by the Secretary of the Grand Jury, and, subject as aforesaid, be dealt with, as near as may be, as other Applications for Compensation for Damages in other Cases: Provided always, that such Damages shall be levied off the Barony, County of a City, or County of a Town, in which such Robbery shall have been committed.

Action, proceed to recover Damages and Costs under this Act.

Where Damages to be levied.

V. And be it enacted, That this Act shall extend only to *Ireland*.

Act to extend only to Ireland.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. LXX.

An Act for dispensing with the Evidence of the Proclamations on Fines levied in the Court of Common Pleas at *Westminster*. [31st August 1848.]

‘ WHEREAS, notwithstanding all Fines levied in the Court of Common Pleas at *Westminster* previously to the Abolition of Fines were levied with Proclamations, yet unnecessary Trouble and Expense are occasionally incurred by Parties being required to procure Evidence of such Proclamations having been in fact made:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Fines heretofore levied in the said Court of Common

Fines levied in the Court of Common Pleas to be deemed Fines with Proclamations.

Pleas shall be conclusively deemed to have been levied with Proclamations, and shall have the Force and Effect of Fines with Proclamations.

Pending Proceedings not to be affected.

II. Provided always, and be it enacted, That nothing herein contained shall extend to or affect any Proceedings at Law or in Equity pending at the Time of the passing of this Act.

Not to extend to Fines concerning Lands, &c. possessed under adverse Titles, &c.

III. Provided also, and be it enacted, That this Act shall not extend to any Fine heretofore levied of or concerning any Lands, Tenements, or Hereditaments which at the Time of the passing of this Act shall be actually possessed or enjoyed by any Person or Persons under a Title adverse to or inconsistent with the Operation of such Fine if levied with Proclamations, but in all such Cases it shall be necessary for all Parties alleging that such Fine was levied with Proclamations to prove such Allegation in the same Manner as if this Act had not been made.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXXI.

An Act to continue to the Twentieth Day of *July* One thousand eight hundred and fifty-three, and to the End of the then next Session of Parliament, Her Majesty's Commission for building new Churches.

[31st August 1848.]

58 G. 3. c. 45.

‘ WHEREAS an Act was passed in the Fifty-eighth Year
 ‘ of the Reign of His Majesty King *George* the Third,
 ‘ intituled *An Act for building and promoting the building of*
 ‘ *additional Churches in populous Parishes*, whereby it was
 ‘ enacted, that it should be lawful for His Majesty, by Letters
 ‘ Patent, to appoint such Persons as His Majesty should deem
 ‘ fit to be His Commissioners for carrying into execution the
 ‘ Purposes of the said Act, and that the said Commission should
 ‘ continue in force for the Term of Ten Years from the Date
 ‘ thereof, unless His Majesty should think fit sooner to alter or
 ‘ revoke the same; and the said Act was amended and extended
 ‘ by Three several Acts, passed in the Fifty-ninth Year of the
 ‘ Reign of His Majesty King *George* the Third, the Third Year
 ‘ of the Reign of His Majesty King *George* the Fourth, and the
 ‘ Fifth Year of the Reign of His Majesty King *George* the
 ‘ Fourth: And whereas by an Act passed in the Eighth Year
 ‘ of the Reign of His Majesty King *George* the Fourth, inti-
 ‘ tuled *An Act to amend the Acts for building and promoting*
 ‘ *the building of additional Churches in populous Parishes*, the
 ‘ said Commission was continued in force for the Term of Ten
 ‘ Years from the Twentieth Day of *July* One thousand eight
 ‘ hundred and twenty-eight, unless His Majesty, His Heirs or
 ‘ Successors,

7 & 8 G. 4. c. 72.

‘ Successors, should think fit sooner to revoke the said Com-
 ‘ mission : And whereas another Act was passed in the Second
 ‘ Year of the Reign of His late Majesty King *William* the
 ‘ Fourth, to amend and render more effectual the last-recited
 ‘ Act : And whereas another Act was passed in the Third Year
 ‘ of the Reign of His late Majesty, to render more effectual the
 ‘ aforesaid Act passed in the Fifty-ninth Year of the Reign of
 ‘ His Majesty King *George* the Third : And whereas by an
 ‘ Act passed in the First Year of the Reign of Her present
 ‘ Majesty, intituled *An Act to prolong for Ten Years Her Ma-* 7 W. 4. & 1 Vict.
 ‘ *jesty’s Commission for building new Churches*, it was enacted, c. 75.
 ‘ that the Persons then appointed to be His Majesty’s Com-
 ‘ missioners for building new Churches, or thereafter to be ap-
 ‘ pointed to be Her Majesty’s Commissioners for building new
 ‘ Churches, should continue to be such Commissioners, and that
 ‘ the Name and Style of the said Commissioners should be “ Her
 ‘ Majesty’s Commissioners for building new Churches,” and the
 ‘ said Commission should continue in force for the Term of Ten
 ‘ Years from the Twentieth Day of *July* One thousand eight
 ‘ hundred and thirty-eight, and thence unto the End of the next
 ‘ Session of Parliament, unless Her Majesty should think fit
 ‘ sooner to revoke the said Commission : And whereas by an
 ‘ Act of the First and Second Years of the Reign of Her present
 ‘ Majesty, intituled *An Act to amend and render more effectual* 1 & 2 Vict.
 ‘ *the Church Building Acts*, an Act of the Second and Third c. 107.
 ‘ Years of Her Majesty’s Reign, intituled *An Act to make better* 2 & 3 Vict. c. 49.
 ‘ *Provision for the Assignment of Ecclesiastical Districts to*
 ‘ *Churches and Chapels augmented by the Governors of the*
 ‘ *Bounty of Queen Anne*, an Act of the Third and Fourth Years
 ‘ of Her Majesty’s Reign, intituled *An Act to further amend the* 3 & 4 Vict. c. 60.
 ‘ *Church Building Acts*, an Act of the Seventh and Eighth
 ‘ Years of Her Majesty’s Reign, intituled *An Act concerning* 7 & 8 Vict. c. 56.
 ‘ *Banns and Marriages in certain District Churches and Chapels*,
 ‘ an Act of the Eighth and Ninth Years of Her Majesty’s Reign,
 ‘ intituled *An Act for the further Amendment of the Church* 8 & 9 Vict. c. 70.
 ‘ *Building Acts*, an Act of the Ninth and Tenth Years of the
 ‘ Reign of Her Majesty, intituled *An Act for better enabling the* 9 & 10 Vict.
 ‘ *Burial Service to be performed in One Chapel where contiguous* c. 68.
 ‘ *Burial Grounds shall have been provided for Two or more*
 ‘ *Parishes or Places*, and an Act of the same Years of Her
 ‘ Majesty’s Reign, intituled *An Act to remove Doubts as to the* 9 & 10 Vict.
 ‘ *Legality of certain Assignments of Ecclesiastical Patronage*, c. 88.
 ‘ the Powers of the said Commissioners have been extended :
 ‘ And whereas it is expedient that the said Commissioners
 ‘ should be further continued as herein-after mentioned :’ Be it
 enacted by the Queen’s most Excellent Majesty, by and with the
 Advice and Consent of the Lords Spiritual and Temporal, and
 Commons, in this present Parliament assembled, and by the
 Authority of the same, That the Persons now or hereafter to be
 appointed to be Her Majesty’s Commissioners for building new
 Churches shall continue to be such Commissioners ; and the
 said

Commission fo
 building new
 Churches con-
 tinued.

said Commission shall continue in force until the Twentieth Day of *July* One thousand eight hundred and fifty-three, and thence to the End of the then next Session of Parliament, unless Her Majesty shall think fit sooner to revoke the said Commission.

CAP. LXXII.

An Act to amend the Acts relating to the Constabulary Force in *Ireland*, and to amend the Provisions for the Payment of Special Constables.

[31st *August* 1848.]

Power to Lord
Lieutenant, &c.
to fix Salaries
of Constables.

‘ **WHEREAS** it is expedient to alter and amend several Provisions of the Acts relating to the Constabulary Force in *Ireland*:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to fix and appoint such annual Salary as may from Time to Time to him or them seem proper to be paid to each Constable appointed or to be appointed under any of the Acts now in force relating to the Constabulary Force in *Ireland*, not exceeding Thirty-eight Pounds for each mounted Constable, and Thirty-six Pounds for each dismounted Constable, and to direct that such annual Salary shall commence on and from the First Day of *April* in this present Year.

Salary of a
limited Number
of Constables
under 2 & 3 Vict.
c. 75. continued.

II. ‘ And whereas in pursuance of an Act of the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for the better Regulation of the Constabulary Force in Ireland*, several of the Constables of the said Force are at present in the Receipt of a Salary of Forty Pounds *per Annum*:’ Be it enacted, That each of such last-mentioned Constables shall continue to receive the said Salary of Forty Pounds until the said Lord Lieutenant or other Chief Governor or Governors shall otherwise direct, and that it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors from Time to Time to direct that the said Salary of Forty Pounds shall be paid to any other Constables: Provided always, that the Number of Constables receiving such Salary shall not at any one Time exceed Fifteen.

9 & 10 Vict.
c. 97.

III. ‘ And whereas by an Act of the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to provide for removing the Charge of the Constabulary Force in Ireland from the Counties, and for enlarging the Reserve Force, and to make further Provision for the Regulation and Disposition of the said Constabulary Force*, it was, amongst other Matters, provided that the whole Cost of the Constabulary Force, save as therein mentioned, should be paid out of the
‘ *Consoli-*

‘ Consolidated Fund of the United Kingdom of *Great Britain*
‘ and *Ireland*: And whereas it is expedient to fix and deter-
‘ mine the Number of Officers and Men whose Pay and Expenses
‘ may, under the Provisions of the said Act, be wholly charged
‘ upon the said Consolidated Fund for each County, County of
‘ a City, or County of a Town in *Ireland*:’ Be it therefore
enacted, That the total Number of Officers and Men wholly
chargeable as aforesaid to the said Consolidated Fund shall be
such as the Lord Lieutenant or other Chief Governor or Gover-
nors of *Ireland* may from Time to Time consider to be required
in each County, City, or Town, but shall not exceed in any
Year, after the Thirty-first Day of *March* One thousand eight
hundred and forty-eight, the Number specified in the Schedule
(A.) to this Act annexed, for each County, City, or Town
named therein.

Number of
Constabulary
chargeable on
Consolidated
Fund to be
fixed by Lord
Lieutenant, &c.

IV. ‘ And whereas it is expedient to fix and determine the
‘ Sum to be charged upon each County, or any Part or District
‘ thereof, or any County of a City or County of a Town in *Ire-*
‘ *land*, in all Cases where, by the Laws now in force, One
‘ Moiety of the Costs and Expenses of any Constabulary Force
‘ is chargeable thereupon respectively, and also the Sum to be
‘ charged upon any Borough for which a Constabulary Force
‘ shall be appointed in compliance with a Memorial from the
‘ Town Council of such Borough, in pursuance of an Act of the
‘ Third and Fourth Years of the Reign of Her present Majesty,
‘ intituled *An Act for the Regulation of Municipal Corporations*
‘ in *Ireland*:’ Be it enacted, That from and after the Thirty-first
Day of *March* One thousand eight hundred and forty-eight in
all such Cases as aforesaid there shall be chargeable to each
such County, County of a City, County of a Town, or Borough,
per Annum, for each Sub-Inspector One Moiety of the Sum
of One hundred and sixty Pounds, for each Head Constable
One Moiety of the Sum of Seventy Pounds, and for each Con-
stable or Sub-Constable One Moiety of the Sum of Thirty-five
Pounds Two Shillings and Sixpence, and so in proportion for
every fractional Part of a Year.

Rate of Charge
on Counties
and Boroughs
for Constabulary
Force appointed
on Application
of Town Coun-
cil of a Borough.
3 & 4 Vict.
c. 108.

V. And be it enacted, That in all Cases where an additional
Constabulary Force shall have been certified by the Magistrates
of any County at large, at any General or Special Sessions, as
now by Law provided to be necessary for the due Execution of
the Law within such County, and shall be appointed in con-
formity with such Certificate, and also in all Cases where an
additional Constabulary Force shall be appointed for any Borough
in pursuance of the Provisions of the said Act of the Third and
Fourth Years of the Reign of Her present Majesty, it shall be
lawful for the Lord Lieutenant or other Chief Governor or
Governors of *Ireland* to appoint One Sub-Inspector for every
Fifty Constables and Sub-Constables, and One Head Constable
for every Twenty-five Constables and Sub-Constables, who may
have been so appointed; and the Expense of such Sub-Inspectors
and

Proportion of
Sub-Inspectors
and Head Con-
stables to ad-
ditional Force
appointed on
Certificate of
Magistrates, or
Application
from Town
Council of a
Borough.

and Head Constables shall be chargeable upon such County or Borough respectively, and be repaid by Grand Jury Presentment, or from the Borough Fund, in the same Manner as the Expense of the Constables and Sub-Constables who may have been so appointed.

If Constabulary shall be ordered under the Authority of 6 & 7 W. 4. c. 19. to repair to any other Place, &c., and Absence exceeds Five Days, the Expense to be charged thereon, and paid by Presentment.

VI. ' And whereas by an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act to consolidate the Laws relating to the Constabulary Force in Ireland*, the Inspector General is authorized, subject to the Direction and Control of the said Lord Lieutenant or other Chief Governor or Governors, from Time to Time as may be deemed expedient, to direct that the whole or any Number of the Constabulary Force of any County, County of a City, County of a Town, or Town and Liberties, shall go and repair to any Place or Places in any other County or Counties, or in any County of a City, or County of a Town, or Town and Liberties: And whereas in the said recited Act of the Ninth and Tenth Years of Her present Majesty, among the Cases in which it was enacted that Counties and Districts should still be chargeable in respect of the Constabulary Force, the Case of a Portion of the Force of one County temporarily sent by the Inspector General into another County was not provided for: Be it enacted, That whenever any Officer or Officers, Head or other Constable or Constables, or Sub-Constable or Sub-Constables, shall be ordered by the Inspector General, under the Authority of the above-recited Provision, to go and repair to any Place or Places in any County, County of a City, or County of a Town, other than that to which he or they may belong or have been appointed, and shall be absent from his or their proper County or Place more than Five Days, the County, County of a City, or County of a Town to which he or they shall be so removed shall, in case the Lord Lieutenant or other Chief Governor or Governors shall so direct, be charged, at and after the Rates herein-before specified, with a Moiety of the Expense of each such Officer, Head Constable, Constable, or Sub-Constable during the Period of his or their remaining in such last-mentioned County, County of a City, or County of a Town; and the Amount of such Moiety shall be repaid by Grand Jury Presentment, in like Manner as any Sums payable in respect of the Constabulary Force.

Where Constabulary shall be required under 8 & 9 Vict. c. 46. to keep the Peace near Railway Works, Company, &c. requiring the same to pay the Expense.

VII. ' And whereas by an Act of the Eighth and Ninth Years of Her present Majesty's Reign, intituled *An Act for the Appointment of additional Constables for keeping the Peace near Public Works in Ireland*, Provision is made for the Appointment and Payment of additional Head and other Constables for keeping the Peace in certain Cases in the Neighbourhood of Railway Works or other public Works in *Ireland*: Be it enacted, That whenever such additional Head or other Constables shall have been or shall be appointed and employed for the Purposes and under the Provisions of the said last-recited Act, the

Company or other Parties carrying on such Railway or other public Works shall be chargeable for the Expense of such Head and other Constables as in the said Act provided, but according to the Proportion of Head and other Constables herein-before provided, and also according to the Scale of Charge herein-before provided for Head and other Constables, save that such Company or Parties shall be chargeable for the whole and not for the Moiety only of such respective Rates of Charge.

VIII. ' And whereas by the said recited Act of the Sixth Year of the Reign of King *William* the Fourth the Inspector General is required to make out a Certificate, under his Hand, of the Amount of the Monies chargeable under the Provisions of the said Act on each County, County of a City, County of a Town, or any Part of any County, specifying the Force or Service in respect whereof such Charge may have been incurred, and transmit the same, when approved and certified by the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to the Secretary of the Grand Jury for such County, County of a City, and County of a Town, One Week before each Assizes and Presenting Term, who shall lay the same before the Grand Jury: And whereas Doubts have arisen in some Cases with respect to the Sufficiency of Certificates which have been laid before Grand Juries in pursuance of the said last-recited Enactment, and it is expedient to provide a Form of Certificate which shall be sufficient in all such Cases: Be it therefore enacted, That the Certificate to be transmitted by the said Inspector General, or by One of his Deputies, to the Secretary of the Grand Jury of any County, County of a City, or County of a Town, before any Assizes or Presenting Term, and to be laid by the said Secretary before the Grand Jury, shall and may be made in the Form contained in the Schedule (B.) to this Act annexed, or to the like Effect, and shall not be required to state any further or other Particulars than such as appear in the said Form; and in case of there being no Inspector General, or in case of his Absence, any such Certificate may be signed by One of the Deputy Inspectors General, and shall be of like Validity.

Form of Certificate to be laid before Grand Juries.

IX. And be it enacted, That from and after the passing of this Act the Officers and Men of the Constabulary Force shall have the same Rights, Powers, and Authorities in and for each of the Counties, Counties of Cities, and Counties of Towns immediately adjacent to that to which they may have been appointed, as if they had been appointed for such Counties, Counties of Cities, or Counties of Towns respectively.

Constabulary to act in adjacent Counties.

X. ' And whereas by the said recited Act of the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act to consolidate the Laws relating to the Constabulary Force in Ireland*, it is enacted, that it shall and may be lawful for the Inspector General or Deputy Inspector General, or any other Person or Persons to be nominated for the Purpose from Time

6 & 7 W. 4. c. 13.

' to

2 & 3 Vict. c. 75.

Assistant Inspector General, or a County Inspector or Sub-Inspector appointed President by the Inspector General or Deputy, may inquire and examine on Oath into the Truth, &c. of Charges against Constabulary.

‘ to Time by the Lord Lieutenant or other Chief Governor or
 ‘ Governors of *Ireland* for the Time being, to examine on Oath
 ‘ into the Truth of any Charges or Complaints preferred against
 ‘ any Person appointed under the said Act of any Neglect or
 ‘ Violation of Duty in his Office: And whereas by an Act of the
 ‘ Second and Third Years of the Reign of Her present Majesty,
 ‘ intituled *An Act for the better Regulation of the Constabulary*
 ‘ *Force in Ireland*, it is enacted, that all Witnesses duly sum-
 ‘ moned by the Inspector General or Deputy Inspector General,
 ‘ or Person or Persons nominated at any Time by the Lord
 ‘ Lieutenant or other Chief Governor or Governors to inquire
 ‘ pursuant to the above-recited Provision, shall, during their
 ‘ necessary Attendance at such Inquiry, and in going to and
 ‘ returning from the same, be privileged from Arrest; and that
 ‘ all Persons so duly summoned who shall refuse to be sworn,
 ‘ or, being sworn, shall refuse to give Evidence or to answer all
 ‘ such Questions as may be legally demanded of them, shall
 ‘ forfeit and incur such Penalty, not exceeding Five Pounds, as
 ‘ the said Inspector General or Deputy Inspector General, or
 ‘ Persons holding such Inquiry, shall direct, and in default of
 ‘ Payment thereof shall and may be imprisoned for such Period,
 ‘ not exceeding One Month, as such Inspector General or Deputy
 ‘ Inspector General, or Person or Persons holding such Inquiry,
 ‘ may direct and adjudge:’ Be it enacted, That from and after
 the passing of this Act it shall and may be lawful for either
 of the Assistant Inspectors General (without any special Ap-
 pointment), or for any County Inspector or Sub-Inspector who
 shall be appointed by the Inspector General (or in his Absence
 by One of his Deputies) to be President of any Court of Inquiry
 into the Truth of any Charges or Complaints preferred against
 any Member of the said Constabulary Force of any Neglect or
 Violation of Duty in his Office, to examine on Oath into the
 Truth of such Charges or Complaints, and to summon any
 Witness or Witnesses on such Inquiry, and to act in all respects
 in relation thereto as effectually as can be done under the said
 recited Acts by the Inspector General or a Deputy Inspector
 General, or by any Person nominated for the Purpose of holding
 such Inquiry by the Lord Lieutenant or other Chief Governor
 or Governors of *Ireland*; and the Witnesses summoned to attend
 such Inquiry shall have the same Privilege from Arrest, and
 shall be subject to the same Penalties for false swearing, and for
 refusing to be sworn, or (being sworn) to give Evidence, or to
 answer all such Questions as may be legally demanded of them,
 as are provided in the said recited Acts: Provided always, that
 if any Fine or Imprisonment shall be imposed by the President
 of any such Court, or Person or Persons holding such Inquiry,
 upon any Person summoned to attend thereat, he or they shall
 forthwith specially report the same to the Lord Lieutenant or
 other Chief Governor or Governors of *Ireland*.

Oath on Ap-
 pointment may

XI. ‘ And whereas by the said recited Act of the Sixth Year
 ‘ of the Reign of King *William* the Fourth a certain Oath is
 ‘ required

‘ required to be taken by all Persons appointed under the said Act, and to be administered by any Two Magistrates:’ Be it enacted, That from and after the passing of this Act it shall and may be lawful for the said Oath to be taken before and administered by One Magistrate.

be taken before
One Magistrate
only.

XII. ‘ And whereas by the said recited Act of the Sixth Year of the Reign of King *William* the Fourth the Bank of *Ireland* is authorized to pay the Drafts of the Receiver only, countersigned by the Inspector General or One of his Deputies for Constabulary Services: And whereas the Receiver may, from Illness, or from Absence on Leave granted by the Lords of the Treasury, be unable to draw such Drafts, by which great Inconvenience may arise to the public Service, and for which no Provision is made:’ Be it therefore enacted, That the said Receiver shall submit for the Approval of the Commissioners of Her Majesty’s Treasury the Name of a Person to act for and under the Responsibility of the said Receiver and of his Sureties during his Illness or in his Absence; and when the Commissioners of Her Majesty’s Treasury, or any Three of them, shall signify to him their Approval of such Person to act as aforesaid, the said Commissioners shall notify the same to the Inspector General and to the Secretary of the Bank of *Ireland*, whereupon it shall and may be lawful for the Governor and Company of the Bank of *Ireland* to pay the Draft or Drafts of the Person so named by the Receiver (and approved by the Commissioners of Her Majesty’s Treasury) to draw the same in his Behalf on the Account of public Monies for the said Constabulary Force during the Illness or Absence of said Receiver; provided that the Drafts of such Person shall be countersigned by the Inspector General, or by One of his Deputies, and shall express whether they are drawn during the Illness or Absence of said Receiver; and the said Receiver and his Sureties shall be and they are hereby declared responsible for the Act or Acts of such Person so authorized by such Receiver to act in his Behalf as aforesaid.

Receiver, with
Consent of
Treasury, may
appoint a Per-
son to act for
him, and draw
on the Bank of
Ireland, in case
of his Illness or
Absence.

XIII. ‘ And whereas by an Act of the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for amending the Laws in Ireland relative to the Appointment of Special Constables, and for the better Preservation of the Peace*, it was amongst other things provided, that in case any Tumult, Riot, or Affray is apprehended, it shall be lawful for any Two or more Justices of the Peace, in the Cases in the said Act mentioned, to appoint Special Constables: And whereas by the same Act Power is given to the Justices, as therein mentioned, to issue Orders on the Treasurer of the County, County of the City, or County of the Town in which such Special Constables shall have served, directing such Treasurer to pay to the said Special Constables such reasonable Allowance for their Trouble, Loss of Time, and other Expenses as they may deem fit: And whereas Doubts have arisen in some Cases as to the Legality of such Orders

Orders drawn
by Justices for
Payment of
Special Con-
stables under
Provisions of
2 & 3 W. 4.
c. 108, valid.

‘ on

‘ on the Treasurer, in consequence of their having been made
 ‘ payable, for the Sake of greater Convenience, to the Clerks
 ‘ of the respective Petty Sessions in whose District such Special
 ‘ Constables shall have acted, for the Purpose of having the
 ‘ Monies mentioned in such Orders distributed by such Clerk
 ‘ amongst the said Constables, and by this Means avoiding a Mul-
 ‘ tiplicity of small Drafts: And whereas it is expedient, for the
 ‘ better Preservation of the Public Peace, and more easy Mode
 ‘ of carrying out the Provisions of the said Act, to remove the
 ‘ said Doubts:’ Be it therefore enacted, That any such Orders
 drawn in the Manner last mentioned, or to the like Effect, shall
 be as good and valid as any such Orders drawn as in the said
 Act provided, and that it shall and may be lawful for the Grand
 Jury of any County, County of a City, or County of a Town in
Ireland, and such Grand Jury is hereby required, to present,
 without previous Application to Presentment Sessions, to be
 raised off such County, County of a City, or County of a Town,
 or any Barony, Half Barony, Townland, or other Division or
 Denomination of Land, within which any such Special Constables
 may have served, the full Amount of all Sums paid by any such
 Treasurer pursuant to any such Order or Orders, whether such
 Order or Orders shall have been made in favour of each indivi-
 dual Special Constable, or in favour of the Clerk of the Petty
 Sessions of the District in which such Special Constables may
 have acted, for their Use and Benefit, and whether such Orders
 shall have been made either before or after the passing of this
 Act; and in case of such Orders made in favour of the Clerk
 of the Petty Sessions, such Clerk shall duly pay over to such
 Constables any Monies received by him by virtue of such Orders,
 and forward to the Treasurer a Receipt from each Constable
 for the Amount paid to him, and a Certificate from the Magis-
 trates at Petty Sessions that such Sums have been so paid by
 their Order.

6 & 7 W.4.c.13.,
 &c., and this
 Act, construed
 as One.

XIV. And be it enacted, That the said recited Act of the
 Sixth Year of the Reign of His late Majesty King *William*
 the Fourth, and the several Acts in force amending the same, and
 this Act, shall be construed together as One Act.

Schedules to be
 Part of the Act.

XV. And be it enacted, That the Schedules to this Act an-
 nexed shall be deemed Part of this Act.

Act may be
 amended, &c.

XVI. And be it enacted, That this Act may be amended or
 repealed by any Act to be passed in this present Session of
 Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

	County Inspectors.	Sub- Inspectors.	Head Constables.	Constables and Sub- Constables.
COUNTIES :				
Antrim -	1	8	11	224
Armagh -	1	6	8	145
Carlow -	1	5	6	151
Cavan -	1	8	12	400
Clare -	1	11	12	400
Cork -	2	20	28	612
Donegal -	1	8	14	176
Down -	1	7	9	224
Dublin -	1	5	7	231
Fermanagh -	1	6	8	181
Galway -	2	15	24	704
Kerry -	1	7	9	168
Kildare -	1	6	8	250
Kilkenny -	1	9	12	410
King's -	1	7	9	319
Leitrim -	1	6	10	311
Limerick -	1	10	18	387
Londonderry -	1	4	6	96
Longford -	1	5	7	191
Louth -	1	5	8	224
Mayo -	1	9	14	274
Meath -	1	8	11	324
Monaghan -	1	5	7	145
Queen's -	1	8	12	356
Roscommon -	1	8	12	447
Sligo -	1	6	9	191
Tipperary -	2	20	24	1,030
Tyrone -	1	6	8	150
Waterford -	1	6	8	149
Westmeath -	1	8	11	282
Wexford -	1	8	10	240
Wicklow -	1	6	8	199
CITIES AND TOWNS :				
Carrickfergus -	-	-	1	10
Cork -	-	1	3	100
Drogheda -	-	1	2	40
Galway -	-	1	2	65
Kilkenny -	-	1	2	50
Limerick -	-	1	3	80
Waterford -	-	1	2	70
Total -	35	262	375	10,006

SCHEDULE (B.)

CONSTABULARY OF IRELAND.

CERTIFICATE of the **EXPENSE** of **CONSTABULARY FORCES** to
be presented by the Grand Jury of the County of _____
and to be levied on the Districts mentioned therein for the
Half Year commencing _____ and ending _____.

	Amount.	Moiety.
Expense of Apprehension and Conveyance of Prisoners, and to be presented on the County at large - - - - -	}	
Ditto of a Force which is extra of the Establishment, and to be presented on the County at large - - - - -		
Ditto ditto ditto and to be presented on the Barony of _____ -		
Ditto ditto ditto and to be presented on the Half Barony of _____		
Ditto ditto ditto and to be presented on the Townland of _____		
	£	

We do hereby certify, That the above Demands, amounting to _____ are correct, and justly chargeable to, and to be levied on, the Districts above mentioned.

A.B., Inspector General [or Deputy Inspector General] of Constabulary.

C.D., Receiver of Constabulary.

Approved and certified,
E.F., Chief [or Under] Secretary.

CAP. LXXIII.

**An Act to continue until the Thirty-first Day of *July*
One thousand eight hundred and forty-nine, and to
the End of the then Session of Parliament, certain
Acts for regulating Turnpike Roads in *Ireland*.**

[31st August 1848.]

‘ **W**HEREAS certain Acts for making, amending, and re-
‘ pairing the Turnpike Roads in *Ireland* were, by an Act
‘ passed in the Session of Parliament holden in the Fourth and
‘ Fifth Years of the Reign of Her present Majesty, amended and
‘ continued for a Time therein limited: And whereas the said
‘ Acts were further continued from Time to Time save as
‘ specially excepted: And whereas, under the Provisions of
‘ an Act of the last Session of Parliament, the said Acts are
‘ further

‘ further continued, and will remain in force until the Thirty-first Day of *July* in the present Year, or, if Parliament be then sitting, until the End of the then Session of Parliament: And whereas it is expedient that the several Acts for making, amending, or repairing Turnpike Roads in *Ireland* should be further continued:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Act for making, amending, or repairing any Turnpike Road or Roads in *Ireland* which will expire on the said Thirty-first Day of *July* in the present Year, or at or before the End of the present or next ensuing Session of Parliament, shall be and the same is hereby continued as amended by the said recited Act of the Fourth and Fifth Years of Her Majesty’s Reign, until the Thirty-first Day of *July* One thousand eight hundred and forty-nine, or, if Parliament be then sitting, until the End of the then Session of Parliament.

Acts for making, &c. Turnpike Roads in *Ireland* which will expire on 31st July 1848, &c., further continued.

II. Provided always, and be it enacted, That nothing herein contained shall apply or extend to continue an Act passed in the Thirty-eighth Year of the Reign of King *George* the Third, intituled *An Act to explain and reduce into One Act the several Laws for making, improving, and repairing the Turnpike Road leading from the City of Dublin to Killcullen Bridge in the County of Kildare, and to the Twenty-one Milestone Westward of the said Bridge, and for prolonging the Duration of the Act for repairing the Road from Naas to Limerick, and for the further Improvement of the Road from Kilworth Mountain to the City of Cork*, except so far as the said Act repeals any former Act.

Nothing in this Act to continue 38 G. 3. (I.) except as it repeals any former Act.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. LXXIV.

An Act to authorize the Lords of Council and Session to regulate the Rates or Dues of Registration to be charged by the Keepers of the Registers of Sasines, Reversions, &c. in *Scotland*. [31st August 1848.]

‘ **W**HEREAS an Act was passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Transmission and Extinction of Heritable Securities for Debt in Scotland*; and another Act was passed in the same Session of Parliament, intituled *An Act to simplify the Form and diminish the Expense of obtaining Infestment in Heritable Property in Scotland*; and another Act was passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Law and Practice in Scotland as to the Service of Heirs*; and

8 & 9 Vict. c. 31.

8 & 9 Vict. c. 35.

10 & 11 Vict. c. 47.

10 & 11 Vict.
c. 48.

10 & 11 Vict.
c. 50.

10 & 11 Vict.
c. 51.

Lords of Session may regulate Registers of Sasines, &c. and the Rates or Dues to be taken thereat by Acts of Sederunt, which shall be laid before Parliament.

Act not to affect Rights of Town Clerks of Royal Burghs.

Act may be amended, &c.

‘ another Act was passed in the same Session of Parliament, intituled *An Act to facilitate the Transference of Lands and other Heritages in Scotland not held in Burgage Tenure*; and another Act was passed in the same Session of Parliament, intituled *An Act to facilitate the Constitution and Transmission of Heritable Securities for Debt in Scotland, and to render the same more effectual for the Recovery of Debts*; and another Act was passed in the same Session of Parliament, intituled *An Act to amend the Practice in Scotland with regard to Crown Charters and Precepts from Chancery*: And whereas it is expedient, with reference to the Changes produced by the said recited Acts, and by other Acts affecting the said Registers, to regulate of new the Rates or Dues now and heretofore chargeable for the Registration of Instruments of Sasine, Reversion, and other Writs at the said Registers: And whereas the Court of Session have, in virtue of various Acts of the *Scottish* and of the *British* Parliaments been in use to regulate by Acts of Sederunt the keeping of the said Registers, and the Minute Books of the same, and also the Rates or Dues chargeable thereat by the Keepers thereof, but Doubts have arisen as to the Authority of the said Court to regulate such Rates or Dues, as the same have been affected by the Operation of the said recited Acts; and it is expedient that such Doubts should be removed:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Lords of Council and Session from Time to Time to regulate and prescribe by Act of Sederunt the Amount of the Rates or Dues to be made and exacted by the several Keepers of the Registers of Sasines, Reversions, and other Writs, in *Scotland*, for the Registration therein of Instruments of Sasine, Reversions, and other Writs, having regard to the Alteration occasioned by the Operation of the said recited Acts in the Produce of the Rates or Dues chargeable at the said Registers: Provided always, that a Copy of every such Act of Sederunt shall be laid before both Houses of Parliament within Fourteen Days from the Date thereof, if Parliament shall be then sitting, and if not, then within Fourteen Days after the Commencement of the next ensuing Session.

II. And be it enacted, That nothing herein contained shall impair or affect any Reservation of the Rights or Privileges of the Town Clerks of Royal Burghs provided by the said recited Acts or any of them.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXXV.

An Act to defray until the First Day of *August* One thousand eight hundred and forty-nine the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers.

[31st *August* 1848.]

‘ WHEREAS it is necessary that Provision should be made for defraying the Charge of the Pay, Clothing, and contingent and other Expenses of the Regular Militia, and of the Miners of *Cornwall* and *Devon*, when disembodied, in *Great Britain* and *Ireland*, and for making in certain Cases Allowances of Reduced Pay to Subaltern Officers and Surgeons Mates and Assistant Surgeons of the Regular Militia, and of the Miners of *Devon* and *Cornwall*, while disembodied, and Allowances to Adjutants, Paymasters, Surgeons, Quartermasters, and Serjeant Majors of the Regular Militia who have been or may be reduced, and to Adjutants, Surgeons, and Quartermasters disabled after long Service:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Secretary at War for the Time being shall cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned; (that is to say,) for the Pay of the said Regular Militia at the Rates following; (that is to say,)

Secretary at War to issue the Money required for Pay of Regular Militia.

For each Adjutant, Eight Shillings *per Diem* :

Rates of Pay.

For each Serjeant Major, having been Serjeant Major of a Provisional Battalion of Militia, Two Shillings and Sixpence *per Diem* :

For each Serjeant Major, where One is appointed in Corps consisting of Two or more Companies, One Shilling and Ten-pence *per Diem* :

For each Serjeant, having been a Colour Serjeant in One of the Provisional Battalions of Militia, Two Shillings *per Diem* :

For each Serjeant, One Shilling and Sixpence *per Diem* :

Provided always, that when any Serjeant Major or Serjeant shall be absent on Furlough or Licence he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively;

Rates of Pay when absent on Furlough.

And also for the Clothing of the Regular Militia (when disembodied), in Cases in which full Clothing shall be provided by

Clothing.

the Colonel or Commandant, at the Rate of Five Pounds Twelve Shillings and One Penny for each Serjeant Major, and Three Pounds for each Serjeant, and so in proportion in the Cases in which only Part of the Clothing shall be provided by the Colonel or Commandant, together with the actual Expense of Package and Carriage, and such Charges for altering and fitting the Clothing as shall have been sanctioned by the Secretary at War: Provided always, that such Serjeant Majors and Serjeants as were serving on the Disembodied Staff on the First Day of *June* One thousand eight hundred and twenty-nine, and shall be resident at Head Quarters, shall be entitled to be clothed once in Two Years; and that such as shall have been subsequently appointed to serve or promoted on the Disembodied Staff shall be entitled to be clothed once in Four Years:

Contingent
Fund.

And also at the Rate of Sixpence *per Annum* for each Private Man for defraying the contingent Expenses of each Regiment, Battalion, or Corps.

Adjutant, &c.
to reside where
the Secretary
at War shall
appoint.

II. And be it enacted, That, except when employed as herein-after provided, every Adjutant and Non-commissioned Officer on the Staff of the Regular Militia, when disembodied, shall reside in such Places as shall be sanctioned by the Secretary at War; and every such Adjutant and Non-commissioned Officer shall forfeit his Pay for any Period during which he shall be absent, except when employed as herein-after provided, or when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers at the same Time.

Adjutants and
Non-commis-
sioned Officers
of Militia may
be employed in
their Counties.

III. And be it enacted, That every Adjutant and Non-commissioned Officer of the Regular Militia, when disembodied, and not called out for Training or Exercise, shall be liable to be employed within the County to which the Regiment, Battalion, or Company of the said Militia Staff belongs, under the Officers appointed to pay and superintend the Out-Pensioners of *Chelsea* Hospital, in such Manner as One of Her Majesty's Principal Secretaries of State may determine.

Adjutant to
have Charge of
the Arms and
Clothing, and
to issue the
Money for con-
tingent Ex-
penses on an
Order signed
by the Colonel.

IV. And be it enacted, That the Adjutant of each Regiment of Militia shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores thereof, under the Superintendence of the Colonel or Commandant, and shall, out of the Allowance of Sixpence *per Annum* for each Private Man directed by this Act to be issued and paid for defraying the contingent Expenses of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expenses, upon an Order in Writing signed by the Colonel or other Commandant, and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the

Balance to form
a Stock Purse.

Use

Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts, so allowed and signed, shall be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money.

V. And be it enacted, That in the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Disembodied Staff is quartered, or during any Vacancy in the Appointment of Adjutant, the Serjeants shall be under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant; and the said Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

In Absence of the Adjutant, the Serjeants to be under the Command of the Serjeant Major.

VI. And be it enacted, That the Officers and Non-commissioned Officers, Drummers, and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the same Pay and Allowances as the Officers, Non-commissioned Officers, Drummers, and Private Men of the Militia when embodied.

Militia when called out for Training or Exercise entitled to Pay.

VII. ' And whereas it is expedient to grant Allowances to certain Officers of the said Militia Forces of *Great Britain* and *Ireland*, while disembodied, under certain Regulations: ' Be it enacted, That the following Allowances shall be made and paid, to the Amount, under the Restrictions, and in the Manner herein-after expressed, to every Subaltern Officer and Surgeon's Mate in *Great Britain*, and to every Subaltern Officer and Assistant Surgeon in *Ireland*, who held a Commission in the Militia of *Great Britain* or *Ireland*, and was serving therein, when the Corps was last disembodied, and also to every Supernumerary Subaltern Officer and Assistant Surgeon of any Regiment of Militia in *Ireland* which was augmented during the War, and which has been reduced to its original Establishment; (that is to say,)

Allowances to Subalterns and Surgeons Mates and Assistant Surgeons.

To a Lieutenant, Two Shillings and Sixpence *per Diem* :

To an Ensign, Two Shillings *per Diem* :

And to a Surgeon's Mate or Assistant Surgeon, Two Shillings and Sixpence *per Diem* :

Provided always, that for the Purposes of this Act all Officers of the Militia serving with the Rank of Captain Lieutenants shall be deemed to be Lieutenants, and all Officers serving with the Rank of Second Lieutenant shall be deemed to be Ensigns; and that the Supernumerary Subalterns and Assistant Surgeons of Regiments of Militia in *Ireland* as aforesaid shall be deemed to have belonged to such Regiments when they were last disembodied, and to have continued to serve therein from that Time.

Rank of certain Officers.

Certain Persons
not entitled to
Allowances.

VIII. Provided also, and be it enacted, That no Person who is or shall during the Continuance of this Act become possessed of such an Estate or Income as would by Law qualify him to hold the Commission of Captain of a Company in the said Militia, or who is or shall be appointed Adjutant in any Regiment, Battalion, or Corps of Militia, nor any Officer on Full Pay of the Navy, Army, or Marines, shall have or be in any way entitled to the said Allowances, or any Part or Share thereof.

A Declaration
to be taken to
entitle Officers,
&c. to such Al-
lowances.

IX. And be it enacted, That the Subaltern Officers, Surgeons Mates, and Assistant Surgeons of the Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle themselves thereto, take and subscribe a Declaration before some One of Her Majesty's Justices of the Peace of the United Kingdom, or before some One of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (*videlicet*,)

Form of Decla-
ration.

‘ I *A.B.* do solemnly and sincerely declare, That I belonged to
‘ the of Militia when the same was disembodied,
‘ and that I have continued to serve therein from that Time
‘ until the Day of inclusive, as a [Lieutenant, Ensign, Surgeon's Mate, or Assistant Surgeon, as the
‘ Case may be]; and that I was not, in my own Right or in
‘ the Right of my Wife, during any Part of the Period for
‘ which I now claim to receive my Allowance, (that is to say,)
‘ from the Day of to the
‘ Day of both inclusive, in the actual Possession
‘ and Enjoyment or Receipt of the Rents and Profits of Lands,
‘ Tenements, or Hereditaments of such an annual Value above
‘ Reprizes as would qualify me to hold a Commission of Captain
‘ of a Company in the Militia; that I was not in Holy Orders;
‘ that I have not during the above Period held the Appointment
‘ of Adjutant, Surgeon, Paymaster, or Quartermaster in any
‘ Regiment, Battalion, or Corps of Militia; that I did not hold
‘ or enjoy, nor did any Person for me hold or enjoy, during the
‘ said Period, any Place, Office, or Employment of Profit, Civil
‘ or Military, under the Crown or any other Government, be-
‘ sides the Allowance of a Day now claimed, except
‘ my Half Pay as a [of the Army, or Navy or
‘ Marines, or of a Provisional Battalion formed from the Militia,
‘ as the Case may be], and any Pay and Allowances from
‘ the to the both Days inclusive, during which
‘ Period the Corps was assembled for Training and Exercise.’

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Subaltern Officer, Surgeon's Mate, or Assistant Surgeon claiming the Allowance.

Secretary at
War may place
certain Officers
unfit for Duty

X. And be it enacted, That it shall be lawful for the Secretary at War to place any such Lieutenant, Ensign, and Surgeon's Mate of the Militia of *Great Britain*, or Subaltern Officer and Assistant

Assistant Surgeon of the Militia of *Ireland*, when unfit for further Duty, upon a retired Allowance equal to and instead of the Allowance granted on the disembodiment of the Militia at the Termination of the War; and all such Subalterns, Surgeons Mates, and Assistant Surgeons, to entitle them to the Receipt of such retired Allowance, shall make and subscribe the following Declaration; (*videlicet*,)

upon a retired Allowance, upon making the following Declaration.

‘ I do solemnly and sincerely declare, That I Form of Declaration.
 ‘ formerly served as a in the Militia;
 ‘ that I am not in Holy Orders; and that from the
 ‘ Day of to the Day of I did not
 ‘ hold or enjoy any Place or Employment of Profit, Civil or
 ‘ Military, under Her Majesty, or in the Colonies or Possessions
 ‘ of Her Majesty beyond the Seas, or under any other Govern-
 ‘ ment, besides my Allowance of per Diem as a
 ‘ of the said Militia, except my Half Pay or Civil Pension
 ‘ as a

XI. And be it enacted, That the Allowances granted to certain Paymasters, Surgeons, and Quartermasters of the Militia of *Great Britain* and *Ireland*, on their being reduced, in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, shall be issued and paid, under the Restrictions and in the Manner herein-after expressed, during the Continuance of this Act; and that it shall be lawful for the Secretary at War to place any such Paymaster, Surgeon, or Quartermaster, when unfit for further Duty, upon a retired Allowance equal to and instead of his reduced Allowance.

Allowances to Officers reduced in 1829.

XII. And be it enacted, That every Paymaster, Surgeon, and Quartermaster of Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe a Declaration before some One of Her Majesty’s Justices of the Peace in the United Kingdom, or before some One of Her Majesty’s Ministers, Secretaries of Embassy or Legation, or Consuls abroad, in the Words or to the Effect following; (that is to say,)

A Declaration to be taken by Officers claiming the said Allowances.

‘ I A.B. do solemnly and sincerely declare, That I was serving Form of Declaration.
 ‘ as [Paymaster, Surgeon, or Quartermaster, as the Case may
 ‘ be,] in the of Militia at the Reduction of the Staff
 ‘ of the said Militia in One thousand eight hundred and twenty-
 ‘ nine; and that I was not in Holy Orders during any Part of
 ‘ the Period for which I now claim to receive an Allowance,
 ‘ that is to say, from the Day of One
 ‘ thousand eight hundred and to the
 ‘ Day of One thousand eight hundred and ;
 ‘ and that I did not hold or enjoy, nor did any Person for me
 ‘ hold or enjoy, during any Part of the said Period, any Place,
 ‘ Office, or Employment of Profit, Civil or Military, under the
 ‘ Crown or any other Government, besides the Allowance of
 ‘ a Day now claimed, except my Half Pay as
 ‘ a [of the Army or Navy or Marines, or of a Provisional
 ‘ Battalion formed from the Militia, as the Case may be], and
 ‘ except

‘ except my Pay and Allowances from the to
 ‘ the both Days inclusive, during which Period the
 ‘ Militia was assembled for Training and Exercise.’

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Paymaster, Surgeon, or Quartermaster claiming the Allowance: Provided always, that any Paymaster, Surgeon, or Quartermaster receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of Her Majesty's Regular Forces, or Navy or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

Out-Pension to
 Reduced Non-
 commissioned
 Officers and
 Drummers not
 to be received
 while serving.

XIII. ‘ And whereas certain Non-commissioned Officers and
 ‘ Drummers of the Militia of the United Kingdom of *Great*
 ‘ *Britain and Ireland* have, on the Reduction of the Establish-
 ‘ ment of the Disembodied Staff, been placed on the Out-Pension,
 ‘ although not unfit for further Service:’ Be it enacted, That no Non-commissioned Officer or Drummer so placed on Pension shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

Subalterns,
 Mates, &c. to
 attend the
 Exercise, &c.

XIV. And be it enacted, That every Paymaster, Surgeon, or Quartermaster on the reduced Allowance, and every Subaltern Officer, Surgeon's Mate, and Assistant Surgeon of the Militia, who shall be entitled or claim to be entitled to any Allowances as aforesaid, shall regularly attend the Exercise and Training of the Regiment, Battalion, or Corps to which he belongs during the whole of the Time it shall be assembled for that Purpose, and shall during the said Time punctually do and perform his Duty as a Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon of such Regiment, Battalion, or Corps, on pain of forfeiting the said Allowance, as well as all Arrears of the said Allowance and of Pay; and a Certificate of his having so attended, and performed his Duty, signed by the Commanding Officer of the Regiment, Battalion, or Corps to which he may belong, shall be transmitted to the Paymaster General by the Officer claiming the Allowance: Provided always, that in case any such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, claiming to be entitled to such Allowance, shall by his Commanding Officer be permitted or suffered, for any special Cause or unavoidable Necessity, to be absent during the whole or any Part of such Exercise, for which Purpose it shall be lawful for such Commanding Officer to grant such Leave of Absence, then and in such Case it shall be lawful for such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, who may be so permitted to be absent, and have such Leave in Writing, to demand and receive the said Allowances and every Part thereof in like Manner as if he had attended during the whole of the said Exercise: Provided always, that the Reason for such Absence, as well as the Duration thereof, shall be carefully and truly specified in a Certificate (in lieu of that before mentioned), to be signed by the Commanding Officer,
 and

Commanding
 Officers may
 grant Leave of
 Absence.

and to be furnished as soon as conveniently may be to the Paymaster General.

XV. Provided always, and be it enacted, That in case any Regiment, Battalion, or Corps of Militia shall not, before the Time fixed for the Payment of the said Allowances, be called out for the Exercise and Training thereof, every Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon belonging to any such Regiment, Battalion, or Corps, and coming within the aforesaid Benefits of this Act, who shall have made and subscribed the Declaration hereinbefore mentioned before any Justice of the Peace or other Person as aforesaid, shall be entitled to the said Allowance as if he had regularly attended the Exercise and Training of such Regiment, Battalion, or Corps during the whole of the Time by Law appointed for that Purpose, and as if a Certificate of such Attendance, signed by the Commanding Officer of the Regiment, Battalion, or Corps, had been furnished.

If the Regiment be not called out before the Time fixed for the Payment, the Allowance shall be paid, on making the Declaration, without Certificate of Attendance.

XVI. And be it enacted, That upon such Declarations and Certificates as aforesaid, or where any Regiment of Militia shall not have been called out to their Exercise as aforesaid, upon the said Declarations being produced to the Paymaster General, the Paymaster General shall pay to the said Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons their respective Allowances above mentioned for the usual quarterly or other proper Periods, without any Deduction whatsoever, save and except that provided by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, until the Sixth Day of April One thousand eight hundred and forty-five*, or by any other Act which may be passed continuing the Payment of such Duties for a further Period, the Declarations and Certificates before mentioned to be by him preserved and produced as Vouchers for the Payments.

Allowances to be paid quarterly.

5 & 6 Vict. c. 35.

XVII. And be it enacted, That the Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons of Militia, entitled or claiming to be entitled to the aforesaid reduced or disembodied Allowances, shall at all Times be liable to serve in the respective Regiments, Battalions, or Corps to which they belong whenever the same shall be embodied and called out upon active Service; and in case of Neglect or Refusal to attend when called upon, on such Occasion, or on such other Occasions as may be required in pursuance of the Laws in force respecting the Militia when disembodied, every such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon shall, on such Neglect or Refusal being certified to the Secretary at War, and, in respect of the Militia of *Great Britain*, to the Lord Lieutenant of the County, by the Colonel or other Commandant of the Regiment, Battalion, or Corps to which such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon shall belong, forfeit his Claim to the said

On Neglect of Attendance, Subalterns, &c. shall forfeit their Claim to the Allowance.

Allowance

Allowance and every Part thereof, and shall also be considered as having resigned and vacated his Commission to all Intents and Purposes whatsoever.

Allowance not to be paid while the Militia is embodied.

XVIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to entitle any Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon as aforesaid to the said Allowance or any Part thereof during the Time the Militia to which he belongs shall be embodied or assembled for Training and Exercise.

Persons on Half Pay, or entitled to Allowance as having served in the Army or Navy, empowered to receive Pay, &c. during Training.

XIX. Provided always, and be it enacted, That any Person, being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of Her Majesty's Regular Forces or Navy or Marines, and serving in the Militia, may receive the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided always, that such Person shall, in the Declaration to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Adjutants, &c. Non-commissioned Officers, or Privates, not to lose their Right to Chelsea or Kilmainham Pensions, &c.

XX. Provided always, and be it enacted, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, or Private Man in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Allowance to be made for Medicines.

XXI. And be it enacted, That there shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expense of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training, and also an Allowance of Two-pence *per Week* for each of the Non-commissioned Officers of each Regiment on the Disembodied Staff at Head Quarters, for the Expense of necessary Medicines and Attendance given to the said Non-commissioned Officers while such Regiment is not called out for Training and Exercise.

XXII. And

XXII. And be it enacted, That every Adjutant of Regular Militia appointed as such before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in Her Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Twenty Years in the whole, whereof Ten shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmary rendered unfit for further Service, shall, on producing to the Secretary at War a Certificate of such Service of Twenty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive, and the Paymaster General shall pay to such Person, an Allowance at the Rate of Eight Shillings *per Diem* : Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under Her Majesty or any other Government; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases the Royal Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary at War; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment: Provided always, that any Adjutant appointed after the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in Her Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Thirty Years in the whole, whereof Fifteen shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmary rendered unfit for further Service, shall, upon producing to the Secretary at War a Certificate of such Service of Thirty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon an Order from the Secretary at War founded upon such Certificate, be entitled to receive an Allowance at the Rate of Six Shillings a Day, in like Manner and subject to the same Restrictions and Conditions as the aforesaid Allowance of Eight Shillings: Provided also, that no such Adjutant shall lose any Right he may have to Half Pay or Out-Pension by reason of receiving such Allowance of Eight Shillings or Six Shillings a Day as aforesaid, but shall be entitled

Adjutants appointed before 24th Dec. 1814 entitled to receive, after a Service of 20 Years, if unfit for further Service, an Allowance of 8s. per Day; provided they do not hold certain other Appointments.

Adjutants appointed since 24th Dec. 1814 entitled to receive, after Thirty Years Service, &c., an Allowance of 6s. per Day.

Right to Half Pay reserved.

Certain Terms
extended to Ad-
jutants in Cases
of long and
meritorious
Services.

tled to receive such Half Pay or Out-Pension as well as such Allowance: Provided always, that in Cases of very long and meritorious Services it shall be lawful for the Secretary at War to extend to any Adjutants appointed between the Twenty-fourth Day of *December* One thousand eight hundred and fourteen and the Ninth Day of *July* One thousand eight hundred and twenty-three the Terms, either in whole or in part, hereinbefore prescribed for the Retirement of Adjutants appointed before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen.

Allowances to
Adjutants, Sur-
geons, and
Quartermasters.

XXIII ' And whereas certain Allowances have been granted ' in pursuance of former Acts to Adjutants, Surgeons, and ' Quartermasters of Regular Militia who have by Age or Infir- ' mity been rendered unfit for further Service: ' Be it enacted, That such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmary be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

Right to Half
Pay reserved.

Reduced Ad-
jutants to re-
ceive 4s. per
Day till 31st
July 1849.

XXIV. And be it enacted, That in case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction from the Thirty-first Day of *July* One thousand eight hundred and forty-eight, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,) to the Thirty-first Day of *July* One thousand eight hundred and forty-nine, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmary be rendered unfit for further Service: Provided always, that no such reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia, by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Right to Half
Pay reserved.

Adjutants and
Serjeant Majors
entitled to Al-
lowance under
39 & 40 G. S.
c. 44.

XXV. ' And whereas certain Adjutants and Serjeant Majors ' are entitled to and have received certain Allowances in con- ' sequence of having been reduced under the Provisions of an ' Act passed in the Thirty-ninth and Fortieth Years of the ' Reign of King *George* the Third, which Allowances have been ' continued, and as to such Adjutants augmented to Four Shil- ' lings *per Diem*: ' Be it enacted, That all such Adjutants and Serjeant Majors shall be entitled to receive and shall receive such Allowance from the Thirty-first Day of *July* One thousand eight hundred and forty-eight to the Thirty-first Day of *July* One thousand eight hundred and forty-nine.

XXVI. And

XXVI. And be it enacted, That the following Allowances shall be granted and paid, under the Restrictions and Limitations herein-after expressed, to Adjutants of the Militia of *Great Britain and Ireland* who have been appointed since the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, and who shall hereafter be appointed, on the Completion of the following Periods of Service in Her Majesty's Regular Forces, and in the Militia, if unfit for the Performance of the Duties of their Commissions; (that is to say,)

Allowances granted to Adjutants who have been appointed since 24th Dec. 1814, &c. on Completion of certain Periods of Service.

To every Adjutant who shall have completed in the Service a Period of, (*videlicet*,)

Fifteen Years, of which Five Years as an Adjutant of Militia, an Allowance of Three Shillings *per Diem* :

Twenty Years, of which Seven Years as an Adjutant of Militia, an Allowance of Four Shillings *per Diem* :

Twenty-five Years, of which Ten Years as an Adjutant of Militia, an Allowance of Five Shillings *per Diem* :

Thirty Years, of which Fifteen Years as an Adjutant of Militia, an Allowance of Six Shillings *per Diem* :

Provided also, that no such Adjutant whose Commission bears Date between the Twenty-fourth Day of *December* One thousand eight hundred and fourteen and the Ninth Day of *July* One thousand eight hundred and twenty-three shall be excluded from the Operation of the Authority vested in the Secretary at War to determine certain Cases of Adjutants of long and meritorious Services; provided also, that such Adjutants shall retain any Right they may have to Half Pay or to Out-Pension, notwithstanding the Grant of such retired Allowance as aforesaid; and all such Allowances shall be granted upon the Production to the Secretary at War of a Certificate of such Service and Disability; and the Paymaster General shall pay to such Adjutant the above Allowance, subject to the same Limitations and Restrictions in respect to the holding of any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, as attach to other Adjutants to whom retired Allowances have been or shall be granted.

No Adjutant whose Commission bears Date between 24th Dec. 1814 and 9th July 1823 excluded.

Right to Half Pay and Pension reserved.

XXVII. And be it enacted, That every reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, and continued by any subsequent Act or by this Act, may receive such Allowance, together with any Full Pay, Half Pay, or Allowance which was tenable together with such reduced Allowance under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to the Militia in that Part of Great Britain called England*, or under the Provisions of the aforesaid Act of the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third: Provided always, that no such reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44. and 26 G. 3. c. 107.

Proviso.

Office of Profit under Her Majesty other than such as aforesaid, or under any other Government, or any Civil Office or Employment under Her Majesty, or any other Government, otherwise than according to the Provisions of this Act in relation to the Allowances granted to Adjutants on account of Age or Infirmary.

Restrictions as to Allowances to reduced Adjutants of the Local Militia.

XXVIII. 'And whereas certain Allowances have been granted to reduced Adjutants of the Local Militia:' Be it enacted, That the said Allowances shall be issued and paid during the Continuance of this Act in like Manner and subject to the same Restrictions as the Allowances of the Paymasters, Surgeons, and Quartermasters of the Regular Militia who were reduced in the Year One thousand eight hundred and twenty-nine: Provided always, that in the Cases in which any such Local Militia Adjutants have been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted.

Allowances to Clerks of General and Subdivision Meetings in England.

42 G. S. c. 90.

37 G. S. c. 25.

42 G. S. c. 72.

Allowances to such Officers and others in Scotland.

XXIX. And be it enacted, That in every County in *England* and *Wales*, when the Regular Militia is or shall be raised, Allowances shall be made to the Clerks of General Meetings, and the Clerks of Subdivision Meetings of Lieutenancy, for their Trouble and Expenses in the due Execution of an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled *An Act for amending the Law relating to the Militia* in England, and for augmenting the Militia, and of any other Acts relating to the said Militia; and also the Clerks of General Meetings and the Clerks of Subdivision Meetings of Lieutenancy for their Trouble and Expenses in the due Execution of an Act passed in the Thirty-seventh Year of the Reign of King *George* the Third, intituled *An Act for the better raising and ordering the Militia Forces for the Tower Hamlets in the County of Middlesex*, and any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of the Lord Warden and Deputy Wardens of the Stannaries of *Cornwall* and *Devon* for their Trouble and Expenses in the due Execution of an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled *An Act for repealing an Act made in the Thirty-eighth Year of the Reign of His present Majesty King George the Third, intituled 'An Act for raising a Body of Miners in the Counties of Cornwall and Devon for the Defence of the Kingdom during the present War, and for the more effectually raising and regulating a Body of Miners for the Defence of Great Britain,'* and of any other Acts relating to the said Militia; and in every County, Stewartry, City, or Place in *Scotland* where the Regular Militia is or shall be raised Allowances shall also be made to the Clerks of General Meetings and Clerks of the several Subdivision Meetings, and to Schoolmasters, Constables, and other

other Officers, for their Trouble and Expenses in the due Execution of an Act passed in the Forty-second Year of the Reign of King George the Third, intituled *An Act to raise and establish a Militia in Scotland*, and of any other Acts relating to the said Militia. 42 G. 3. c. 91.

XXX. And be it enacted, That the said Allowances shall be granted as follows; (*videlicet*,) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon*; and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make a Declaration as to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace; (*videlicet*,)

Manner of granting Allowances.

Clerks, &c. to make Declaration of the Justness of their Accounts.

Declaration of a Clerk of General or Subdivision Meetings.

‘ I do solemnly declare, That the preceding Account, so far as regards my Interest therein, is a just and true Account of Business performed by me for and in behalf of the public Service, according to the Manner therein set forth; and the Sums claimed as disbursed were actually paid by me.’

Declaration of a Schoolmaster, Constable, or other Officer in Scotland.

‘ I do solemnly declare, That I am the Parochial Schoolmaster [*or Constable or other Officer*] of the District of in the Subdivision of the County of ; and that the preceding Account is a just and true Account of Business actually performed by myself for and in behalf of the public Service, according to the Manner therein set forth; and that I was employed on such Business the full Time therein stated; and that the Sums claimed as disbursed were actually paid by me.’

And the said Accounts shall be transmitted to the Secretary at War, who is hereby empowered to issue the Allowances according to the Rate specified in the Table to this Act annexed, or such Sums as he shall think reasonable and proper.

XXXI. ‘ And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from Service in the Militia by reason of bodily Infirmary, and upon the Fitness for Service of the Persons presenting themselves for Enrolment:’ Be it enacted, That it shall be lawful for any Two Deputy Lieutenants and they are hereby empowered and required to summon, by Two Days

Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Enrolment shall be held, to attend at such Meeting; and every such Surgeon shall, before he begins any such Examination, make the following Declaration, which Declaration any Deputy Lieutenant is hereby authorized to administer; (*videlicet*,)

Declaration to be made by Surgeon.

‘ I do solemnly declare, That I will, to the best of my Ability, faithfully and truly report as to the Fitness for Service of the Man or Men about to be submitted to my Examination, and that I will not receive from any of them any Fee or Reward whatever for any such Examination.’

Allowance to Surgeon.

And every such Surgeon shall receive for each Day's Attendance at such Meeting a Sum not less than Half a Guinea nor exceeding Two Guineas, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary at War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment.

Pay, &c. to be issued under Directions of the Secretary at War.

XXXII. And be it enacted, That all Sums of Money granted for the Pay, Clothing, contingent and other Expenses, and for the Allowances to the Officers and Men of the Regular and Local Militia, when disembodied, shall be issued and paid under the Direction of the Secretary at War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head.

Bills drawn for Pay, &c. may be on unstamped Paper.

XXXIII. And be it enacted, That all Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be drawn upon unstamped Paper; and no such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper.

No Fee to be taken.

XXXIV. And be it enacted, That no Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

Expense of House for depositing Arms, and Stores of the Militia in Ireland, &c. to be defrayed by the County.

XXXV. And be it enacted, That the Hire of any House or Place to be provided for the keeping of the Arms, Accoutrements, Clothing, or other Stores, and for the Residence and Accommodation of the Adjutant belonging to any Regiment or Battalion of Militia in *Ireland*, when not embodied, shall be defrayed by the County; and the necessary Sum for that Purpose, and for all other Sums of Money and Expenses payable and to be defrayed by the County in respect of the Militia of the County, and all Arrears of any such Hire due for the Hire or Rent of any House heretofore provided, and which Rent shall not have been presented and paid before the passing of this Act, or which shall hereafter become due for any such House, and all Arrears of any such other Sums or Expenses aforesaid which shall have become due before the Certificate thereof shall be transmitted as hereafter mentioned, shall be raised by the Presentment of the Grand Jury of the said County, which Presentment

ment the Grand Jury of the County shall pass on a Certificate signed by the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or, in the Absence of such Chief Secretary, by the Under Secretary, or by the First Clerk in the Military Department, and specifying the Rent agreed to be paid for the same; and the said Certificate shall be transmitted by such Chief or Under Secretary or First Clerk to the Clerk of the Crown for such County, or at any Time prior to the First Day of Assizes for such County, or if in the County or County of the City of *Dublin*, then prior to the First Day of the Presenting Term: Provided always, that in no Case any greater Rent than Fifty Pounds Currency of the United Kingdom of *Great Britain* and *Ireland* shall be presented by such Grand Jury for the annual Rent of such House or Place.

Proviso as to
Amount of
Rent.

XXXVI. And be it enacted, That in all Cases where any Place provided under an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled *An Act for amending the Laws relating to the Militia in England, and for augmenting the Militia*, for the Purpose of keeping therein the Arms, Accoutrements, Clothing, and other Stores belonging to any Regiment, Battalion, or Corps of Militia when not embodied, and the Hire or Cost of which Place may have been paid by the Treasurer of any County, Riding, or Place out of the County Rates of the same, according to the Provisions of the said Act, hath or at any Time hereafter shall, from Change of the Occupation of the adjoining Property or other Causes, become insecure or unfit for such Purpose, or the Public Convenience may require the same to be changed or sold, the Justices of such County, Riding, or Place assembled at any General Quarter Session of the Peace, after Representation made to them of such Insecurity or Unfitness or Inconvenience by the Lord Lieutenant of such County, and the Colonel of such Regiment, Battalion, or Corps, and Evidence thereof given to the Satisfaction of the said Justices so in Quarter Sessions assembled, to order some other convenient and proper Place to be provided or built for the Purpose of keeping therein the Arms, Accoutrements, Clothing, and other Stores belonging to any Regiment, Battalion, or Corps of Militia when not embodied, the Purchase, Hire, or Cost of which Place, in case the same shall be approved of by the Lord Lieutenant and Colonel of Militia of such County, Riding, or Place, shall be paid for by the Treasurer of such County, Riding, or Place, out of the County Rates.

Providing Place
for Arms, &c.
42 G. 3. c. 90.

XXXVII. And be it enacted, That in all such Cases as aforesaid the Persons or Person in whom such Place which may have become insecure or unfit for the Purposes aforesaid may be vested, upon Service upon them or him of an Order made at any Court of Quarter Sessions of the Peace, setting forth that another and more convenient and proper Place has been provided for the Purpose aforesaid, whereby the Place so purchased for the Purpose aforesaid has become useless, shall proceed

Sale of Place
not required.

ceed forthwith, in such Manner as they shall think best, to sell and convey and assure the same to any Purchaser or Purchasers thereof, freed and discharged from the Uses or Trusts to which it had theretofore been liable and subject, and give Receipts and Acquittances for the Purchase Money or Purchase Monies thereof, and shall, upon Receipt of the Money arising therefrom, after deducting thereout all Costs and Charges attending such Sale or Sales, pay the same unto the Treasurer of such County, Riding, or Place, to be by him applied and paid towards the Cost of such Place to be so purchased as aforesaid, or the fitting up the same, and in case no such Place shall be so purchased, then toward the Expenses of fitting up such Place which may be so hired as aforesaid for the Purposes aforesaid, and the Residue of such Purchase Money (if any) shall be invested in the Public Funds, and the Interest thereof applied in aid of the Rate of such County or Riding, according as the Justices of the same in Quarter Session assembled may direct; and no Person purchasing any Place so sold as aforesaid shall be bound to inquire whether any of the Circumstances have arisen under which it has been determined to sell the same as aforesaid, nor shall he be bound to see to the Application or Nonapplication of his, her, or their respective Purchase Monies; and when and as soon as the Persons or Person in whom such Place shall have been so vested as aforesaid shall have paid to the said County Treasurer the clear Proceeds arising from such Sale or Sales, and shall have procured from such Treasurer his Receipt for the same, then and from thenceforth such Persons or Person shall be forthwith discharged from all Liability, Claim, or Demand in respect of the said Place so vested in him or them for the Purposes aforesaid, and also from all Liability, Claim, or Demand in respect of the Proceeds arising from the Sale of such Place; and such Receipt shall be a Bar to the Claim of any Person or Persons whatsoever in such County, Riding, or Place, or any Person or Persons claiming under them any Right, Title, or Estate to such Place or the Proceeds thereof.

All Things in this Act relating to Counties shall extend to Ridings, Shires, &c.

Continuance of Act.

XXXVIII. And be it enacted, That all Things in this Act contained relating to Counties, and to Regiments of Militia respectively, shall be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*.

XXXIX. And be it enacted, That this Act shall take effect and continue in force from the Thirty-first Day of *July* One thousand eight hundred and forty-eight until the First Day of *August* One thousand eight hundred and forty-nine.

TABLE to which this Act refers.

SCALE of RATES of REMUNERATION to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution Two Acts of Parliament passed in the Forty-second Year of the Reign of King George the Third, c. 90. and 91., and other Acts relating to the Militia.

ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

	£	s.	d.
1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) -	0	7	6
2. For attending General Meetings at which the Statutory Quorum of Lieutenancy shall be present, each -	5	5	0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants -	1	11	6
Which Allowances are to be in full for engrossing Minutes, &c.			
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to return Lists, each -	0	0	6
For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland to return Lists, each -	0	0	6
4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals -	0	7	6
5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary at War (the latter Copy to be annexed to the Clerk's Accounts as a Voucher); videlicet, In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia -	2	2	0

In Counties furnishing from 201 to 400		£	s.	d.
Men	- - - -	3	3	0
Ditto	- - from 401 to 600			
Men	- - - -	4	4	0
Ditto	- - from 601 to 800			
Men	- - - -	5	5	0
Ditto	- - from 801 Men			
and upwards	- - - -	6	6	0
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the Regular Militia, when necessary to be done :				
In Counties furnishing a Quota of 200				
Men or under	- - - -	1	1	0
Ditto	- - from 201 to 400			
Men	- - - -	2	2	0
Ditto	- - from 401 to 600			
Men	- - - -	3	3	0
Ditto	- - from 601 to 800			
Men	- - - -	4	4	0
Ditto	- - from 801 Men			
and upwards	- - - -	5	5	0
7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Enrolment, Schedule (E.) :				
For engrossing 50 Names and under	-	0	5	0
Ditto - 51 to 150 Names	-	0	10	0
Ditto - 151 to 250 Names	-	1	0	0
Ditto - 251 Names and upwards	-	1	10	0
8. For drawing out fair Copy of the Lord Lieutenant's annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men :				
In Counties furnishing One Regiment, Battalion, or Corps				
	- - - -	0	15	0
Ditto	- Two - Ditto	1	10	0
Ditto	- Three - Ditto	2	0	0
No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.				
Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.				

9. For Stationery :

To the Clerk of General Meetings in a	£	s.	d.
County where the Number in the original			
Quota of the Militia is under 300 Men -	2	0	0
Ditto - from 301 to 600 Men -	3	0	0
Ditto - from 601 to 900 Men -	4	0	0
Ditto - from 901 Men and			
upwards -	5	0	0

10. For Copyings, Correspondence, &c., &c. :

To the Clerk of the General Meetings in a			
County where the Number of the original			
Quota of the Militia is 200 Men or under	2	0	0
In a County furnishing from 201 to 400			
Men -	3	0	0
Ditto - from 401 to 600			
Men -	4	0	0
Ditto - from 601 to 800			
Men -	5	0	0
Ditto - from 801 Men			
and upwards -	6	0	0

11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account, specifying each Article of Postage, &c., certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.

The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.

TRAINING AND EXERCISE.

12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice -

0 0 6

13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for Her Majesty's Secretary of State for the Home Department in Counties in England and Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion -

1 0 0

In Counties in England, Wales, and Scotland furnishing One Regiment, Battalion, or Corps -

2 0 0

Ditto - Two Ditto -

3 0 0

Ditto - Three Ditto -

4 0 0

ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

	£	s.	d.
14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - - - -	0	5	0
Or for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter -	0	1	0
15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present; videlicet, For receiving Lists and hearing Appeals, For balloting, For enrolling, And for the Meeting held to apportion the Deficiencies among the Parishes, et cetera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised, which Allowance shall be in full for engrossing Minutes and making up Lists - - -	2	2	0
And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists - - - - -	1	5	0
And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenant - - - - -	0	15	0
16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon balloted Men, each Precept - - - - -	0	0	6
And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, for the Performance of similar Duty, each Precept - - - - -	0	0	6

- | | £ | s. | d. |
|--|-----|-----|-------|
| 17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the balloting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men - - - - - | -£2 | per | 1,000 |
| 18. For making out the annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Apportionment of the Subdivision is - 50 Men and under - | 2 | 2 | 0 |
| Ditto from 51 to 150 Men - - | 3 | 3 | 0 |
| Ditto from 151 to 250 Men - - | 4 | 4 | 0 |
| Ditto from 251 Men and upwards - | 5 | 5 | 0 |
| 19. For making out fair and true Copies of Lists of Men enrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County; (videlicet,)
For a Roll containing 50 Names and under - - - - - | 0 | 5 | 0 |
| Ditto from 51 to 150 Names - | 0 | 10 | 0 |
| Ditto from 151 to 250 Names - | 0 | 15 | 0 |
| Ditto from 251 Names and upwards | 1 | 0 | 0 |
| 20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)
For a Subdivision furnishing 50 Men and under - - - - - | 1 | 10 | 0 |
| Ditto from 51 to 150 Men - | 2 | 0 | 0 |
| Ditto from 151 to 250 Men - | 2 | 10 | 0 |
| Ditto from 251 Men and upwards - - - - - | 3 | 0 | 0 |
| 21. For Correspondence, Copyings, et cetera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)
For a Subdivision furnishing 50 Men and under - - - - - | 2 | 0 | 0 |
| Ditto from 51 to 150 Men - | 3 | 0 | 0 |
| Ditto from 151 to 250 Men - | 4 | 0 | 0 |
| Ditto from 251 Men and upwards - - - - - | 5 | 0 | 0 |

22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed.

The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.

23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera :

For a Subdivision furnishing 50 Men and under	-	-	-	-	0	5	0
Ditto from 51 to 150 Men	-	-	-	-	0	10	0
Ditto from 151 to 250 Men	-	-	-	-	0	15	0
Ditto from 251 Men and upwards	-	-	-	-	1	0	0

TRAINING AND EXERCISE.

24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stanaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia :

For each Precept containing 50 Names and under	-	-	-	-	0	5	0
Ditto from 51 to 150 Names	-	-	-	-	0	10	0
Ditto from 151 to 250 Names	-	-	-	-	0	15	0
Ditto from 251 Names and upwards	-	-	-	-	1	0	0

And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivision of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia :

For each Precept containing	10 Names	£	s.	d.
and under - - - -	-	0	0	6
Ditto from 11 to 30 Names	-	0	1	0
Ditto from 31 to 50 Names	-	0	2	6
Ditto from 51 to 70 Names	-	0	4	0
Ditto from 71 to 100 Names	-	0	7	0
Ditto from 100 upwards -	-	0	10	0

25. For making out full and true Lists of the Names and Dates of Enrolment of all Persons enrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise:

For a Roll containing	20 Names and under	-	-	-	£	s.	d.
Ditto from 21 to 50 Names	-	-	-	-	0	5	0
Ditto from 51 to 150 Names	-	-	-	-	0	10	0
Ditto from 151 to 250 Names	-	-	-	-	0	15	0
Ditto from 251 and upwards	-	-	-	-	1	0	0

26. For correcting the Books of Enrolment of the Subdivision so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Apportionment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain:

For a Subdivision furnishing	50 Men and under	-	-	-	£	s.	d.
Ditto from 51 to 150 Men	-	-	-	-	0	10	0
Ditto from 151 to 250 Men	-	-	-	-	0	15	0
Ditto from 251 and upwards	-	-	-	-	1	0	0

ALLOWANCES to SCHOOLMASTERS IN SCOTLAND.

27. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - - - 0 5 0
28. For making out Lists, for each Folio consisting of Sixty Lines - - - - 0 1 0
29. For attending Meetings of Lieutenancy, each Meeting - - - - 0 10 0
30. For filling up and delivering Notices to balloted Men, per Day - - - - 0 5 0
31. For Stationery, per Annum - - - - 0 5 0

ALLOWANCES TO CONSTABLES IN SCOTLAND.

32. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours	£	s.	d.
- - - - -	0	4	0
33. For making out Lists, for each Folio consisting of Sixty Lines	-	-	-
- - - - -	0	1	0
34. For attending each Meeting of Lieutenancy, per Day	-	-	-
- - - - -	0	4	0
35. For filling up and delivering Notices to balloted and enrolled Men, per Day	-	-	-
- - - - -	0	4	0
36. For Stationery, where the Lists are made out by the Constables, per Annum	-	-	-
- - - - -	0	5	0

SPECIAL CONTINGENT ALLOWANCES applicable to the Clerks of General Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call the Person from a Distance to perform the Duty of a General or Subdivision Clerk such Person shall have an Allowance for his travelling Expenses not exceeding Nine-pence per Mile, and the Expenses of Tolls and Ferry Money; but the Particulars of such Expenses shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's annual Account.
38. The Expense necessarily incurred for the Use of the Room at the Place of Meeting to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

CAP. LXXVI.

An Act to enable Archbishops and Bishops and other Persons in *Ireland* to compromise Suits touching their Rights of Patronage as to Ecclesiastical Benefices, in certain Cases. [31st August 1848.]

3 & 4 W. 4. c. 27. **WHEREAS** an Act was passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto*, it was, amongst other things, enacted, that after the Thirty-first Day of *December* One thousand eight hundred and thirty-three no Person should bring any Quare impedit or other Action or any Suit to enforce a Right to present to or bestow any Ecclesiastical Benefice, as the Patron thereof, after the Expiration of One hundred Years from the Time at which a Clerk should have obtained Possession of such Benefice adversely to the Right of
Pre-

‘ Presentation or Gift of such Person, or of some Person
‘ through whom he claims: And whereas by an Act passed
‘ in the Session of Parliament held in the Sixth and Seventh
‘ Years of Her present Majesty, intituled *An Act for extending* 6 & 7 Vict. c. 54.
‘ *to Ireland the Provisions not already in force there of an Act*
‘ *of the Third and Fourth Years of the Reign of the late King*
‘ *William the Fourth, intituled ‘ An Act for the Limitation of*
‘ *‘ Actions and Suits relating to Real Property, and for simpli-*
‘ *‘ fying the Remedies for trying the Rights thereto,’ and to explain*
‘ *and amend the said Act,* it was, amongst other things, thereby
‘ enacted, that after the First Day of *January* One thousand
‘ eight hundred and forty-four the several Clauses and Enact-
‘ ments in the said first-mentioned Act and therein-before
‘ recited, relating to any Right to present to or bestow any
‘ Church, Vicarage, or any other Ecclesiastical Benefice, (the
‘ Clause thereof providing that the said Act, so far as it related
‘ to any such Right, should not extend to *Ireland*, always
‘ excepted,) should extend and apply to *Ireland*, and that as
‘ fully and effectually as if the said Clauses and Enactments
‘ were thereby repeated, substituting for the said Date of the
‘ *Thirty-first Day of December* One thousand eight hundred and
‘ thirty-three the Date of the First Day of *January* One thou-
‘ sand eight hundred and forty-four; and it was by the said
‘ last-mentioned Act further declared and enacted, that the said
‘ last-mentioned Act should not be prejudicial or available to or
‘ for any Plaintiff or Defendant in any Action or Suit already
‘ commenced, or on or before the said First Day of *January*
‘ One thousand eight hundred and forty-five to be commenced,
‘ relating to any Right to present to or bestow any Church,
‘ Vicarage, or other Ecclesiastical Benefice in *Ireland*: And
‘ whereas in consequence of the Provisions of the said Acts
‘ numerous Actions of Quare impedit and Proceedings have
‘ been brought and instituted, and are now depending, for the
‘ Purpose of determining the Right of Presentation to divers
‘ Ecclesiastical Benefices and Preferments in *Ireland*, by Per-
‘ sons whose Claims to exercise such Right would but for the
‘ instituting of such Proceedings have been barred by the Pro-
‘ visions of the aforesaid Acts: And whereas numerous Actions
‘ and Proceedings have been brought and instituted and are now
‘ pending against Archbishops and Bishops in *Ireland* for the
‘ Recovery of Advowsons and Rights of Presentation to
‘ Ecclesiastical Benefices and Preferments in their Dioceses,
‘ the Patronage whereof has been for long and uninterrupted
‘ Periods exercised by them and their Predecessors in right of
‘ their Sees, and the said Archbishops and Bishops have been
‘ and will be put to heavy Expenses in preparing to defend
‘ and in defending, in the said Actions and Proceedings, their
‘ Rights of Patronage for themselves and their Successors: And
‘ whereas by an Act passed in the Session of Parliament holden
‘ in the Eighth and Ninth Years of the Reign of Her present
‘ Majesty, intituled *An Act to enable Archbishops and Bishops* 8 & 9 Vict. c. 51.
‘ *in Ireland to charge their Sees with the Costs incurred by them*
‘ *in*

‘ in defence of their Rights of Patronage in certain Cases, and
 ‘ also to enable Tenants for Life and other Persons having limited
 ‘ Interests in Estates in Ireland to charge said Estates with the
 ‘ Costs incurred by them in asserting their Rights to Ecclesiastical
 ‘ Patronage, in certain Cases, it was (amongst other things)
 ‘ enacted, that Archbishops and Bishops might, subject to the
 ‘ Regulations therein provided, charge such Expenses on the
 ‘ Estates of their respective Sees, and it was further enacted,
 ‘ that Plaintiffs in Quare impedit, under Family Settlement or
 ‘ otherwise entitled to a Life Estate or other limited Interest
 ‘ in the Advowsons or Rights of Presentation to the Eccle-
 ‘ siastical Benefices to recover which the said Writs have been
 ‘ sued out and Proceedings instituted, might, under certain
 ‘ Restrictions, charge the reasonable Costs and Expenses in-
 ‘ curred by them in prosecuting such Claims upon the Estates
 ‘ of those who would be entitled in remainder to such Advow-
 ‘ sons or Rights of Presentation: And whereas the Prosecu-
 ‘ tion of such Suits is attended with very great and ruinous
 ‘ Expense, and the Possession of the present Incumbents of
 ‘ many of the said Benefices is uncertain and insecure, and it is
 ‘ just and expedient, for the Purpose of avoiding Expense, and
 ‘ quieting the Possession of Incumbents in their Benefices, to
 ‘ enable Archbishops and Bishops, and Persons who, under
 ‘ Family Settlements or otherwise, would only be entitled to a
 ‘ Life Estate or other limited Interest in such Advowsons or
 ‘ Rights of Presentation, to compromise their Claims to the
 ‘ Patronage of such Ecclesiastical Benefices:’ Be it therefore
 enacted by the Queen’s most Excellent Majesty, by and with
 the Advice and Consent of the Lords Spiritual and Temporal,
 and Commons, in this present Parliament assembled, and by
 the Authority of the same, That it shall and may be lawful for
 any Archbishop or Bishop in *Ireland* who may be a Defendant
 in any Action of Quare impedit or other Action or Suit now
 pending, and who may claim the Ecclesiastical Benefice which
 is the Subject of such Suit, as the Patron thereof, for and on
 behalf of himself and Successors, and for any Person or Persons
 by whom or on whose Behalf any such Writ of Quare impedit
 has been sued out, and who, under Family Settlement or other-
 wise, would only be entitled to a Life Estate or other limited
 Interest in the Advowson to recover which such Writ has been
 sued out, not only on behalf of themselves, and their respective
 Heirs, Executors, and Administrators, but also on behalf of
 every Person entitled in reversion, remainder, or expectancy
 after them, or in defeazance of the Estate of such Parties, to
 compromise their conflicting Claims to any such Advowson or
 Advowsons.

Power to Arch-
 bishops and
 Bishops in Ire-
 land to compro-
 mise conflicting
 Claims to Pa-
 tronage of Ad-
 vowsons.

Parties to pro-
 vide by the
 Terms of such
 Compromise
 the Rights to
 certain Patron-
 age.

II. And be it enacted, That it shall and may be lawful for
 the said Parties in such Case as aforesaid to provide by the
 Terms of any such Compromise that any particular Advowson
 or Advowsons or Right or Rights of Patronage of or to any
 Ecclesiastical Benefice or Benefices in *Ireland* shall belong
 absolutely to any Archbishop or Bishop and his Successors, in
 consideration

consideration of such Archbishop or Bishop, on behalf of himself and Successors, agreeing that any other Advowson or Advowsons, Right or Rights of Patronage to any other Ecclesiastical Benefice or Benefices in *Ireland*, shall belong to any such Person or Persons as aforesaid, according to such Estate or Interest as he, she, or they may respectively claim therein, under Family Settlement or otherwise, or for the Parties to such Compromise to provide that the alternate Right or Rights of Presentation or Patronage to any such Ecclesiastical Benefice or Benefices shall belong to any Archbishop or Bishop and his Successors on the one hand, and on the other to any Person or Persons, according to such Estate or Interest as he, she, or they may respectively be entitled to or claim, under Family Settlement or otherwise, or to make any other Arrangement or Provision respecting any Advowson or Advowsons, Right or Rights of Patronage, for the Recovery of which Suits are now pending, which may by them respectively be deemed proper and expedient.

III. And be it enacted, That where any such Compromise is to be carried into effect under the Provisions of this Act an Instrument in Writing containing the Terms of such proposed Compromise (including the Terms contained in the Provision next herein-after mentioned), and in the Case of a Bishop being a Defendant having endorsed upon such Instrument the Approbation of the Archbishop entitled to exercise Archiepiscopal Jurisdiction in the Province in which the Parish or Parishes the Subject of such Compromise is or are situate, or in case any Archbishop shall be a Defendant having endorsed thereon the Approbation of Her Majesty's Attorney General for *Ireland*, shall be lodged in the Council Office of *Dublin Castle*, and thereupon it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, with the Consent of the major Part of Her Majesty's Privy Council of *Ireland* in Council assembled (Six at least assenting), to take the Matter of such Instrument into their Consideration, and to make an Order approving or disapproving of the Terms of such Compromise; and in case such Compromise shall be approved as aforesaid it shall be lawful for the Parties, upon the Production of a Copy of such Order before the Court of Common Pleas in *Ireland*, to proceed to have such Compromise carried into effect by a Rule or Order of such Court, to be made upon Consent of the Parties hereby enabled to enter into such Compromise, and (if required by the said Court) upon Affidavit or Affidavits of such Facts and Circumstances as the said Court may require for their Information; and every such Rule or Order shall, when made, be conclusive Evidence of the Title of the Person or Persons who shall be thereby declared to be the Patron or Patrons of every such Advowson or Advowsons.

Where Compromise carried into effect, an Instrument in Writing containing Terms of the same shall be lodged in the Council Office of Dublin Castle.

If Lord Lieutenant, &c. approve of Compromise, Parties may obtain an Order from Common Pleas to carry the same into effect.

IV. And be it enacted, That every such Compromise shall provide that every Incumbent in possession of any Ecclesiastical Benefice at the Time of the passing of this Act shall hold the same as if he had been presented or collated thereto by the true

Incumbents to retain Possession notwithstanding Compromise.

and

and undoubted Patron thereof, notwithstanding that by any such Compromise it shall be agreed that the Advowson of the Benefice whereof such Incumbent is in possession shall belong to any Person or Persons other than the Person or Persons by whom such Incumbent shall have been presented or collated to such Benefice.

As to Payment
of Expenses of
Compromise.

V. Provided always, and be it enacted, That the Costs and Expenses of such Compromise incurred or to be incurred shall be charged by the said Archbishop and Bishop, and by said Tenants for Life, or other Person or Persons having limited Estates or Interest, in such Manner and Form as is provided by said recited Act passed in the Eighth and Ninth Years of Her present Majesty.

Act may be
amended, &c.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXXVII.

An Act to authorize the Application of Part of the unclaimed Money in the Court for the Relief of Insolvent Debtors in enlarging the Court House of the said Court. [31st August 1848.]

1 & 2 Vict. c. 110.

‘ WHEREAS by an Act passed in the Second Year of
‘ the Reign of Her present Majesty, intituled *An Act for*
‘ *abolishing Arrest on Mesne Process in Civil Actions except in*
‘ *certain Cases, for extending the Remedies of Creditors against*
‘ *the Property of Debtors, and for amending the Laws for the*
‘ *Relief of Insolvent Debtors in England*, after noticing that it
‘ might happen that Money might remain in the Court for the
‘ Relief of Insolvent Debtors, produced by the Estates and
‘ Effects of Insolvent Debtors who had taken the Benefit of
‘ that or some other Act for the Relief of Insolvent Debtors,
‘ which had not been or might not be claimed by the Assignees
‘ or Creditors of such Insolvents, it was enacted, that it should
‘ be lawful for the said Court to cause the same or any Part
‘ thereof to be invested in Government Securities, and to apply
‘ the Interest and Profit arising therefrom towards defraying
‘ the Expenses of the said Court: Provided that no such
‘ Money should be so invested until the same should have been
‘ in the Hands of the said Court for Twelve Months at the
‘ least: And whereas the Sum of Sixty-seven thousand Pounds
‘ or thereabouts, remaining unclaimed in the said Court, has
‘ been invested in Exchequer Bills under the said recited Pro-
‘ vision: And whereas by reason of recent Alterations in Juris-
‘ diction, under which every Commissioner of the said Court for
‘ the Relief of Insolvent Debtors forms a Court, it has become
‘ necessary to enlarge the Court House in *Portugal Street,*
‘ *Lincoln’s Inn Fields*, and for that Purpose to purchase and
‘ alter an adjoining Messuage and Buildings; and it is expedient
‘ that Part of the said unclaimed Monies should be applied in
‘ defraying

‘ defraying the Expenses incurred or to be incurred for that Purpose:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Court for the Relief of Insolvent Debtors shall, by Sale or Disposition of a sufficient Part of the Exchequer Bills or other Securities in which the said Sum of Sixty-seven thousand Pounds or such other Sum of Money as may remain unclaimed in the said Court shall for the Time be invested, raise such Sum or Sums, not exceeding in the whole the Sum of Twenty-one thousand three hundred Pounds, as the Commissioners of Her Majesty’s Treasury, or any Three or more of them, shall, by Warrant or Warrants under their Hands, direct, and pay or cause to be paid such Sum or Sums to the Governor and Company of the Bank of *England* to the Credit of Her Majesty’s Commissioners of Woods, Forests, Land Revenues, Works, and Buildings, and such Sum or Sums shall be placed to such Account as such last-mentioned Commissioners shall direct.

Power to Insolvent Debtors Court, out of Investments of unclaimed Money, to pay to Credit of Commissioners of Woods, &c. such Sums as Treasury may direct, not exceeding 21,500*l*.

II. And be it enacted, That the Money which shall be raised and paid or caused to be paid by the said Court for the Relief of Insolvent Debtors to the Credit of the said Commissioners of Her Majesty’s Woods, Forests, Land Revenues, Works, and Buildings, as aforesaid, shall be applied by such Commissioners, in such Manner as they, with the Approbation of the said Commissioners of Her Majesty’s Treasury, shall think fit, in enlarging, fitting, and preparing for the Purposes of the said Court the said Court House in *Portugal Street, Lincoln’s Inn Fields*, and in Payment of the Consideration Monies and Expenses which have been or may be contracted to be paid or incurred for that Purpose.

Money paid by Insolvent Court to Credit of Commissioners of Woods, &c. to be applied in paying Expenses of enlarging and fitting Court House.

III. And be it enacted, That the Receipt of One of the Cashiers of the Bank of *England* for any Sum or Sums of Money not exceeding in the whole the said Sum of Twenty-one thousand three hundred Pounds which shall be paid into the said Bank in pursuance of any Warrant or Warrants of the said Commissioners of the Treasury by or by the Order of the said Court for the Relief of Insolvent Debtors, to the Credit of the said Commissioners of Woods, Forests, Land Revenues, Works, and Buildings, shall be a Discharge and Indemnity to the said Court, and the Commissioners and Officers thereof respectively; and the said Court, and the Commissioners and Officers thereof respectively, shall not be concerned to see to the Necessity of such Payment, or to the Application of the Monies to the Purposes of this Act.

Receipt of Cashier of the Bank to be a Discharge to Insolvent Debtors Court.

IV. And be it enacted, That in case at any Time hereafter the Monies remaining in the said Court, and the Investments thereof, shall be insufficient to pay such Sums as shall be rightfully claimed by Assignees or Creditors in respect of Monies produced by the Estates and Effects of Insolvent Debtors, and brought into the said Court, it shall be lawful for the said Commissioners of Her Majesty’s Treasury, upon such Deficiency being

In case Money remaining in Insolvent Debtors Court be insufficient to meet Claims, Deficiency to be made good out of Consolidated Fund.

being certified by the said Court for the Relief of Insolvent Debtors, under the Seal of the said Court, to cause to be issued and paid, out of any Monies which may be provided by Parliament, to the said Court for the Relief of Insolvent Debtors, such Sum or Sums, not exceeding in the whole the Amount which shall have been raised and paid to the said Commissioners of Woods, Forests, Land Revenues, Works, and Buildings, under this Act, as shall be necessary for the Payment to such Assignees or Creditors of their respective Claims.

Act may be amended, &c

V. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament.

CAP. LXXVIII.

An Act for the further Amendment of the Administration of the Criminal Law. [31st August 1848.]

Questions of Law may be reserved at Sessions of the Peace for Consideration of Judges.

‘ WHEREAS it is expedient to provide a better Mode than that now in use of deciding any difficult Question of Law which may arise in Criminal Trials in any Court of Oyer and Terminer and Gaol Delivery, and to make further Amendments in the Administration of the Criminal Law:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That when any Person shall have been convicted of any Treason, Felony, or Misdemeanor before any Court of Oyer and Terminer or Gaol Delivery, or Court of Quarter Sessions, the Judge or Commissioner or Justices of the Peace before whom the Case shall have been tried may, in his or their Discretion, reserve any Question of Law which shall have arisen on the Trial for the Consideration of the Justices of either Bench and Barons of the Exchequer, and thereupon shall have Authority to respite Execution of the Judgment on such Conviction, or postpone the Judgment until such Question shall have been considered and decided, as he or they may think fit; and in either Case the Court in its Discretion shall commit the Person convicted to Prison, or shall take a Recognizance of Bail, with One or Two sufficient Sureties, and in such Sum as the Court shall think fit, conditioned to appear at such Time or Times as the Court shall direct, and receive Judgment, or to render himself in Execution, as the Case may be.

Questions reserved to be certified to the Judges.

II. And be it enacted, That the Judge or Commissioner or Court of Quarter Sessions shall thereupon state, in a Case signed in the Manner now usual, the Question or Questions of Law which shall have been so reserved, with the special Circumstances upon which the same shall have arisen; and such Case shall be transmitted to the said Justices and Barons; and the said Justices and Barons shall thereupon have full Power and Authority to hear and finally determine the said Question or Questions, and thereupon to reverse, affirm, or amend any Judgment which shall have been given on the Indictment or Inquisition

Inquisition on the Trial whereof such Question or Questions have arisen, or to avoid such Judgment, and to order an Entry to be made on the Record, that in the Judgment of the said Justices and Barons the Party convicted ought not to have been convicted, or to arrest the Judgment, or order Judgment to be given thereon at some other Session of Oyer and Terminer or Gaol Delivery, or other Sessions of the Peace, if no Judgment shall have been before that Time given, as they shall be advised, or to make such other Order as Justice may require; and such Judgment and Order, if any, of the said Justices and Barons, shall be certified under the Hand of the presiding Chief Justice or Chief Baron to the Clerk of Assize or his Deputy, or to the Clerk of the Peace or his Deputy, as the Case may be, who shall enter the same on the original Record in proper Form; and a Certificate of such Entry, under the Hand of the Clerk of Assize or his Deputy, or the Clerk of the Peace or his Deputy, as the Case may be, in the Form, as near as may be, or to the Effect mentioned in the Schedule annexed to this Act, with the necessary Alterations to adapt it to the Circumstances of the Case, shall be delivered or transmitted by him to the Sheriff or Gaoler in whose Custody the Person convicted shall be; and the said Certificate shall be a sufficient Warrant to such Sheriff or Gaoler, and all other Persons, for the Execution of the Judgment, as the same shall be so certified to have been affirmed or amended, and Execution shall be thereupon executed on such Judgment, and for the Discharge of the Person convicted from further Imprisonment, if the Judgment shall be reversed, avoided, or arrested, and in that Case such Sheriff or Gaoler shall forthwith discharge him, and also the next Court of Oyer and Terminer and Gaol Delivery or Sessions of the Peace shall vacate the Recognizance of Bail, if any; and if the Court of Oyer and Terminer and Gaol Delivery or Court of Quarter Sessions shall be directed to give Judgment, the said Court shall proceed to give Judgment at the next Session.

III. And be it enacted, That the Jurisdiction and Authorities by this Act given to the said Justices of either Bench and Barons of the Exchequer shall and may be exercised by the said Justices and Barons, or Five of them at the least, of whom the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, or One of such Chiefs at least, shall be Part, being met in the Exchequer Chamber or other convenient Place; and the Judgment or Judgments of the said Justices and Barons shall be delivered in open Court, after hearing Counsel or the Parties, in case the Prosecutor or the Person convicted shall think it fit that the Case shall be argued, in like Manner as the Judgments of the Superior Courts of Common Law at *Westminster* or *Dublin*, as the Case may be, are now delivered.

Quorum of Judges; their Judgments to be delivered in open Court.

IV. And be it enacted, That the said Justices and Barons, when a Case has been reserved for their Opinion, shall have Power, if they think fit, to cause the Case or Certificate to be

Case or Certificate may be sent back for Amendment.

sent back for Amendment, and thereupon the same shall be amended accordingly, and Judgment shall be delivered after it shall have been amended.

When Judgment is reversed on Writ of Error, Record may be remitted to Court below for Judgment.

V. And be it enacted, That whenever any Writ of Error shall be brought upon any Judgment on any Indictment, Information, Presentment, or Inquisition, in any Criminal Case, and the Court of Error shall reverse the Judgment, it shall be competent for such Court of Error either to pronounce the proper Judgment or to remit the Record to the Court below, in order that such Court may pronounce the proper Judgment upon such Indictment, Information, Presentment, or Inquisition.

Penalty for Forgery.

VI. And be it enacted, That every Person who shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Certificate of or Copy certified by a Chief Justice, or any Certificate of or Copy certified by a Clerk of Assize or his Deputy, or the Clerk of the Peace or his Deputy, as the Case may be, with Intent to cause any Person to be discharged from Custody, or otherwise prevent the due Course of Justice, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Ten Years, or be imprisoned for any Term not exceeding Three Years, with or without hard Labour and solitary Confinement, both or either, at the Discretion of the Court before which he shall be tried.

Act not to extend to Scotland.

VII. And be it enacted, That this Act shall not extend to Scotland.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

SCHEDULE.

WHEREAS at the Session of the Peace for the County of _____ held on _____ before _____ and others their Fellows, [or at the Session of Oyer and Terminer and Gaol Delivery held for the County of _____ on _____ before, among others, Sir A.B. Knight, One of the Justices of the Court of _____ and _____ *here name the Quorum Commissioners*, Justices of Oyer and Terminer and Gaol Delivery,] A.B., late of _____ *Labourer*, having been found guilty of Felony, and Judgment thereupon given, that [*state the Substance*], the Court before whom he was tried reserved a certain Question of Law for the Consideration of the Justices of either Bench and the Barons of the Exchequer, and Execution was thereupon respited in the meantime :

This is to certify, That the said Justices and Barons having met in the Exchequer Chamber at Westminster [*or Dublin, as the Case may be,*] on the _____ Day of _____ it was considered by the said Justices and Barons there that the Judgment aforesaid should be annulled, and an Entry made on the Record, that the said A.B. ought not, in the Judgment of the said

said Justices and Barons, to have been convicted of the Felony aforesaid; and you are therefore hereby required forthwith to ~~discharge~~ the said *A.B.* from your Custody.

To the Gaoler of and the Sheriff of
and all others whom it may concern.

(Signed) *E.F.*

Clerk of the Peace for the County of
[or, Clerk of Assize for
as the Case may be].

CAP. LXXIX.

**An Act to facilitate and simplify Procedure in the
Court of Justiciary in *Scotland*. [31st *August* 1848.]**

‘ **W**HEREAS it is expedient that the Procedure in the
‘ Court of Justiciary in *Scotland* should be simplified and
‘ amended:’ Be it enacted by the Queen’s most Excellent
Majesty, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parlia-
ment assembled, and by the Authority of the same, That it
shall be lawful to use printed Copies, or Copies partly printed
and partly written, of all Indictments and Criminal Letters
before the High Court of Justiciary and Circuit Courts of
Justiciary in *Scotland*, as the principal or Record Copies of
such Writs, instead of the written Copies thereof heretofore
used for that Purpose: Provided always, that such printed or
partly printed and partly written Copies shall be authenticated,
in the Case of Indictments, by the Subscription of Her Majesty’s
Advocate or of One of his Deputes, and in the Case of Criminal
Letters, by the Subscription of One of the Clerks of Court,
according to the present Practice.

**Printed, instead
of written,
Copies of In-
dictments, &c.
may be used as
Record Copies.**

**Printed Copies
to be authen-
ticated.**

II. ' And whereas Letters of Diligence for citing Parties, Witnesses, and Assizers are issued as a Matter of Course at the Instance of Her Majesty's Advocate, and according to the present Practice such Letters, both in the High Court and Circuit Courts of Justiciary, proceed on Bills the Deliverances on which require to be subscribed by One of the Judges of the said Court, which Proceeding is unnecessary and inconvenient: ' Be it enacted, That such Bills shall hereafter be dispensed with, and such Letters of Diligence, in Cases before both the High Court and Circuit Courts of Justiciary, shall be issued by the Clerk of Court to Her Majesty's Advocate, on Exhibition of the Indictment on which such Letters of Diligence are required to be raised, or a Copy thereof, signed by the Crown Agent for the Time being; and it shall not be necessary that such Letters pass the Signet of the said Court: Provided always, that a Roll or Minute Book of all such Letters of Diligence, whether issued for the High Court or Circuit Courts of Justiciary, shall be kept by the Clerk of Justiciary.

Letters of Diligence to be issued by the Clerk on Exhibition of Indictment, and Roll or Minute Book of the same to be kept by the Clerk.

Deliverances on Bills to be signed by Clerk of Justiciary.

Bills or Petitions, &c. under Act of Scottish Parliament, 1701, c. 6. to remain as at present.

One List of Assize sufficient for all Trials at the same Diet in the High Court of Justiciary.

One List sufficient for each Circuit Court.

Service of Writs and Warrants.

Record Copies of Proceedings, instead of being transcribed in Books of Adjournal, may be inserted therein, &c.

III. And be it enacted, That all Deliverances on Bills for Criminal Letters, Letters of Supplement, Lawburrows, Horning, and Caption, and on all ordinary Bills passing of course or without Opposition, shall be signed by One of the Clerks of Court instead of by One of the Judges, as at present, and the Signature of such Clerk shall be as effectual for passing such Bills as if they had been subscribed according to the present Practice: Provided always, that Bills or Petitions for Letters of Intimation or Liberation under an Act of the *Scottish Parliament* passed in the Year One thousand seven hundred and one, intituled *An Act for preventing wrongous Imprisonment, and against undue Delay in Trials*, shall remain as at present, and shall be presented to and disposed of by One of the Judges, or by the Court, according to the present Practice.

IV. And be it enacted, That when in the High Court of Justiciary more than One Case shall be set down for Trial at One and the same Diet, it shall not be necessary to lodge in Court more than One List of Assize, and such List shall be authenticated by the Signature of a Judge of the said Court, and shall bear and be held to be a List of Assize for the Trial of all Parties cited to that particular Diet; and the Persons included in such List shall be summoned to pass generally upon the Assize of all the accused Parties cited to such Diet, and One general Execution of Citation only shall be returned against them; and a Copy of such List, certified by One of the Clerks of Court, shall have the like Effect, for all Purposes for which such List may be required, as the principal List of Assize authenticated as aforesaid.

V. And be it enacted, That in Proceedings before the Circuit Courts of Justiciary One List of Assize for each District or Circuit Court, authenticated by the Signature of One of the Judges of the said Court, shall in like Manner be sufficient; and a Copy thereof, certified by One of the Clerks of Court, shall have the like Effect for all Purposes for which such List may be required as the principal List of Assize authenticated as aforesaid.

VI. 'And whereas it is in many Cases difficult and expensive to have Indictments, Criminal Letters, and other Writs served or executed by Macers of Court or Messengers-at-Arms, according to the present Practice:' Be it enacted, That it shall be lawful to serve all Indictments, Criminal Letters, and other Writs, and to execute all Writs and Warrants issuing furth of the Court of Justiciary in *Scotland*, either by a Macer of Court or a Messenger-at-Arms, or by any Sheriff Officer or Steward's Officer of the County or Stewartry within which such Service or Execution shall be made.

VII. 'And whereas it is inconvenient and unnecessary to transcribe the whole Proceedings in the Court of Justiciary in the Records of Court called the Books of Adjournal:' Be it enacted, That the Record Copies of Criminal Libels brought before the said Court, and the Record Copies of all printed Proceedings in the said Court, shall, instead of being transcribed

scribed into the Books of Adjournal, as at present, be inserted in the said Books either at their proper Place in the Body of such Books, or at the End of the Volume wherein the relative Procedure is recorded, in which Case they shall be distinctly referred to as so appended; and in so far as the said Books of Adjournal may not be completed at the passing of this Act, the same may be completed by the Insertion of the Record Copies of the said Libels and Proceedings as herein directed; and the Books of Adjournal so made up and completed shall be and be taken to be and be used as the Books of Adjournal of the said Court.

Books not completed at passing of this Act may be completed by Insertion of Record Copies.

VIII. ' And whereas, owing to the Increase of Population within the Counties of *Lanark* and *Renfrew*, and to the consequent Increase in the Number of Trials brought before the Circuit Courts of Justiciary held at *Glasgow*, it is expedient to make Provision for the greater Despatch of Business in these Courts: Be it enacted, That it shall be lawful for the Two Judges holding the said Courts to sit in separate Court Rooms, and to perform separately the Duties and despatch the Business of the said Courts, or such Part thereof as it may be desirable so to perform; and each of the said Judges so sitting apart shall possess all the Powers which would belong to the said Judges sitting and judging together, and all the Proceedings of the said Judges, whether sitting separately or together, shall be held as Proceedings in the Circuit Court of Justiciary for the District of *Glasgow*.

Judges holding Circuit Courts at Glasgow may sit and act separately, and Proceedings to be held good.

IX. And be it enacted, That in Criminal Trials before the Courts of Justiciary in *Scotland* the Panel shall be called upon to state any Objection he may have to the Relevancy of the Libel, and such Relevancy shall be disposed of by the Court before he is called upon to plead; and in case the Libel shall be found relevant the same shall be read, unless such reading shall be dispensed with by the Panel; and the Panel shall then be called upon to plead to the Libel, and in case he shall plead Guilty the Court shall proceed to pass Sentence, and in case he shall plead Not Guilty the Court shall remit him, with the Libel as found relevant, to the Knowledge of an Assize, and the Case shall be otherwise proceeded with in ordinary Form.

In Criminal Trials before Courts of Justiciary, the Panel to state Objections to Relevancy of Libel, which shall be disposed of by the Court.

X. And be it enacted and declared, That it shall be in the Power of the Court of Justiciary in *Scotland*, by an Act or Acts of Adjournal or otherwise, to alter the Forms of Interlocutors and Sentences at present in use in that Court, and to substitute others in their Place, in shorter or more convenient Form, and such new Forms of Interlocutors and Sentences shall have the same Force, Operation, and Effect in all respects as the Forms of Interlocutors and Sentences at present in use in place of which they may be substituted.

Power for Court to alter Forms of Interlocutors and Sentences at present in use, and substitute others.

XI. And be it enacted, That it shall be lawful for the said Court of Justiciary, and the said Court is hereby required, from Time to Time, to make all such Rules and Regulations, by Act or Acts of Adjournal, as may be necessary for carrying

Power to Court to make Acts of Adjournal.

out the Purposes and accomplishing the Objects of this Act: Provided always, that Copies of all such Acts of Adjournal shall, within Fourteen Days after the making thereof, be laid before both Houses of Parliament, if Parliament shall be then sitting, and if not, within Fourteen Days after the Commencement of the then next Session.

Laws, &c. inconsistent with this Act repealed.

XII. And be it enacted, That all Laws, Statutes, Regulations, and Usages inconsistent or at variance with the Provisions of this Act shall be and the same are hereby repealed: Provided always, that the same shall continue in force in all other respects whatsoever.

Act may be amended, &c.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. LXXX.

An Act to empower Lessees of Tithe Rent-charge in *Ireland* to deduct a Proportion of Poor Rate Poundage from Rent; and also to empower the Ecclesiastical Commissioners in *Ireland* to allow Sums paid for Poor Rate or County Cess, or Poundage deducted from Ecclesiastical Persons on account of Poor Rate, among the Deductions from the Valuation of Ecclesiastical Property directed to be made under an Act of the Third and Fourth Years of His late Majesty, for the Purpose of a certain Tax thereby imposed upon such Property in *Ireland*.

[31st August 1848.]

1 & 2 Vict. c. 56.

Lessee of Tithe Rent-charge, if liable to pay Rent therefor, may deduct Proportion of Rate.

‘ WHEREAS by an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the more effectual Relief of the destitute Poor of Ireland*, it is provided and enacted, that where any Person receiving Rent in respect of any rateable Property shall also pay a Rent in respect of the same, he shall be entitled to deduct from such Rent a Proportion of the Rate deducted from him, and it is expedient to extend such Provision to the Case of Tithe Rent-charge:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, where any Person entitled to receive Tithe Rent-charge shall be liable to pay a Rent in respect of the same, he shall be entitled to deduct from the Rent so paid by him a Sum bearing such a Proportion to One Half the Amount of Rate deducted from the Tithe Rent-charge received by him as the Rent paid by him in respect of such Tithe Rent-charge bears to the Tithe Rent-charge which he is so entitled to receive.

II. ‘ And

II. ‘ And whereas by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend the Laws relating to the Temporalities of the Church in Ireland*, the Ecclesiastical Commissioners therein directed to be appointed were authorized and empowered to make a Valuation of all Ecclesiastical Property, subject to the Deductions therein set forth, and to take, levy, and receive therefrom a yearly Tax, Rate, or Assessment computed and imposed upon such Valuation according to the Scale and for the Purposes recited in the said Act: And whereas Doubts have arisen whether the said Commissioners are authorized to allow among the Deductions therein set forth any Sums paid for County Cess or Poor Rate, or Poundage deducted for Poor Rate, and it is expedient that such Doubts be removed:’ Be it therefore enacted, That from and after the passing of this Act it shall and may be lawful to and for the said Commissioners, in and from the Valuation made or to be made of any Ecclesiastical Property for the Purpose of imposing the Rate, Tax, or Assessment required by the said Act, in addition to the Charges specified as Deductions in the said Act, to deduct also such Amounts or Sum as the said Commissioners shall ascertain as proper to be deducted from such Valuation, for or on account of any County Cess or Poor Rate, or Poundage Rate for the Relief or Employment of the Poor, or for repaying any Advances made for those Purposes, and paid or payable or deducted in respect of such Ecclesiastical Property, such Deduction by the said Commissioners to be made according to a Return of the County Cess paid in respect of such Property, and of the Rate struck in the Electoral Division or Divisions within which such Property may be situate, during the Half Year ending on the First Day of *January* or First Day of *July* respectively preceding the Half Year for which such Ecclesiastical Tax shall be demanded.

Ecclesiastical Commissioners under 3 & 4 W.4. c. 37. shall include Poor Rate, &c. in Deductions from Valuation.

III. ‘ And whereas under the said last-recited Act, to alter and amend the Laws relating to the Temporalities of the Church in *Ireland*, the Successor to the present Archbishop of *Armagh*, and the present Bishop of *Derry*, and his and their Successors for ever, Archbishops of *Armagh* and Bishops of *Derry*, are bound, from and out of the Revenues of the said Archbishoprick and Bishoprick respectively, to pay to the Ecclesiastical Commissioners for *Ireland*, half-yearly, Sums in the said Act specified, and it is but just that such Persons so paying such Annuity be empowered to deduct an Allowance for Poor Rate Deduction from the same:’ Be it therefore enacted, That the Successor of the present Archbishop of *Armagh*, and the present Bishop of *Derry*, and his or their Successors in such Sees respectively, shall be entitled to deduct from the Sum to be paid by him to the Ecclesiastical Commissioners for *Ireland* such Amount or Sum as the Commissioners shall ascertain as proper to be deducted for or on account of any Poor Rate or Poundage Rate for the Relief or Employment

Successors of Archbishop of *Armagh* and Bishop of *Derry* may deduct from Money to be paid to Ecclesiastical Commissioners a certain Sum on account of Poor Rate, &c.

ment of the Poor, or for repaying any Advances made for these Purposes, and paid or payable or deducted in respect of Ecclesiastical Property by the Tenants of such See, such Deduction to bear the same Proportion to the entire Poundage for Poor Rate allowed in such Half Year to his Tenants by such Archbishop or Bishop as the said half-yearly Annuity bears to the Rent and Fines received by such Archbishop or Bishop in such Half Year.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXXXI.

An Act for the further Regulation of Steam Navigation, and for limiting in certain Cases the Number of Passengers to be conveyed in Steam Vessels.

[31st August 1848.]

9 & 10 Vict.
c. 100.

‘ WHEREAS by an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Steam Navigation, and for requiring Sea-going Vessels to carry Boats*, it is, amongst other things, enacted, that on or before the Thirtieth Day of April and the Thirty-first Day of October in every Year the Owners of every Steam Vessel shall transmit to the Lords of the Committee of Privy Council for Trade Two Declarations in the said Act prescribed, and that the Lords of the said Committee shall register such Declarations, and shall transmit to the Owners of such Steam Vessels respectively Certificates of the Registry thereof, and that if any Steam Vessel proceed to Sea with Passengers, the Owner whereof has not duly transmitted to the Lords of the said Committee such Declarations and received from the Lords of the said Committee such Certificates of the Registry thereof as aforesaid, the Owner of such Steam Vessel shall forfeit a Sum not exceeding One hundred Pounds: And whereas it is expedient to make further Provision for compelling the Owners of Steam Vessels to transmit such Declarations to the Lords of the said Committee, whether such Steam Vessels be intended to proceed to Sea or not:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case the Owner or Owners of any Steam Vessel, not being a Vessel expressly excepted from the Operation of the said recited Act, neglect to transmit to the Lords of the said Committee, at the Times in the said recited Act specified, the Declarations in Writing by the said recited Act prescribed, the Owner or Owners of every such Steam Vessel shall forfeit and pay the Sum of Ten Shillings for every Day that the sending of such Declarations is delayed, unless

Penalty for Delay in transmitting Certificates required by recited Act.

unless such Delay be accounted for to the Satisfaction of the Lords of the said Committee: Provided always, that the Owners of all Steam Vessels (not being Vessels expressly excepted as aforesaid) in respect of which any Declarations required as aforesaid have not at the Time of the passing of this Act been transmitted to the said Committee shall transmit the same on or before the Twentieth Day of *September* next.

II. ' And whereas much Inconvenience and Danger to the Public has been found to result from the over-crowding of Steam Vessels, and it is expedient to prevent such over-crowding;' Be it therefore enacted, That it shall be lawful for the Lords of the said Committee, whenever they think fit so to do, to insert into any Certificate granted by them in conformity with the Provisions of the said recited Act a Notice of the Number of Passengers which the Vessel to which such Certificate has been granted is constructed to carry, and whenever such Notice shall have been so inserted in the Certificate it shall not be lawful for any such Vessel at any Time to have or receive on board any greater Number of Passengers than the Number specified in the Certificate which it may have last received from the said Committee; and in case any such Vessel shall at any Time have or receive on board any greater Number, the Owner or Owners, or the Master or other Person having Charge thereof, shall forfeit a Sum not exceeding Five Shillings for every Passenger over and above the Number so specified in the Certificate as aforesaid.

Board of Trade may insert in Certificate a Notice of the Number of Passengers Steam Vessels are constructed to carry.

Penalty for carrying a greater Number than specified in Certificate.

III. And be it enacted, That the Owner or Owners of every Steam Vessel shall cause a true Copy of the Certificate which they have last received from the Lords of the said Committee to be put up in some conspicuous Part of the Vessel, where the same will be visible to the Passengers on board the same, and if they neglect to do so they shall for every Offence be liable to a Forfeiture or Penalty not exceeding Ten Pounds.

Copy of Certificate to be placed in a conspicuous Part of Vessel.

Penalty for Neglect.

IV. And be it enacted, That if any Person, after having been refused Admission into any Steam Vessel by the Owner or Owners, or any Person in the Employ of the Owner or Owners thereof on account of such Steam Vessel being full, and after having had the full Amount of his Fare (if he has paid the same) returned or tendered to him, shall nevertheless persist in attempting to enter the same, or if any Person having got on board any Steam Vessel be requested on the like account by the Owner or Owners thereof, or by any Person in their Employ, to leave such Steam Vessel before the same has quitted the Place at which such Person got on board, and shall refuse to do so, after having had the full Amount of his Fare (if he has paid the same) returned or tendered to him, then and in either of such Cases such Person shall for such Offence forfeit and pay any Sum not exceeding Five Shillings.

Penalty on Persons, having been refused Admission, forcing their Way on board when Vessels are full, &c.

V. And be it enacted, That if any Person travel or attempt to travel in any Steam Vessel which has been duly surveyed in conformity with the Provisions of the said recited Act without having previously paid his or her Fare, and with Intent

Penalty on Persons refusing or neglecting to pay their Fares, or quit Vessels, &c.

to

to avoid Payment thereof, or if any Person, having paid his or her Fare for a certain Distance, knowingly and wilfully proceed in any such Vessel beyond such Distance without previously paying the additional Fare for the additional Distance, and with Intent to avoid Payment thereof, or if any Person knowingly and wilfully refuse or neglect, on arriving at the Point to which he has paid his Fare, to quit such Vessel, every such Person for every such Offence shall forfeit to the Owner or Owners of such Steam Vessel a Sum not exceeding Five Shillings.

Penalties how to be recovered and applied.

VI. And be it enacted, That the Penalties and Forfeitures by this Act imposed shall be sued for, recovered, and applied in like Manner as the Penalties and Forfeitures imposed by the said recited Act are therein directed to be sued for, recovered, and applied, except as is hereby otherwise directed.

Nothing to affect Privileges of Corporation of London.

VII. And be it enacted, That nothing in this Act contained shall prejudice or derogate from the Estates, Rights, Interests, Privileges, Franchises, Jurisdiction, or Authority of the Mayor and Commonalty and Citizens of the City of *London*, or their Successors, or the Lord Mayor of the said City for the Time being, nor prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing this Act the said Mayor and Commonalty and Citizens, or the said Lord Mayor for the Time being as Conservator of the River *Thames*, or otherwise, or the Lord Mayor and Court of Aldermen, or the Lord Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled, under or by virtue of any Act of Parliament, did or might lawfully claim, use, or exercise.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. LXXXII.

An Act to amend the Law for the Formation of Districts for the Education of Infant Poor.

[31st August 1848.]

7 & 8 Vict.
c. 101.

‘ WHEREAS by an Act passed in the Eighth Year of the
 ‘ Reign of Her Majesty Queen *Victoria*, intituled *An Act*
 ‘ *for the further Amendment of the Laws relating to the Poor in*
 ‘ *England*, Provisions are made for the Combination of Unions
 ‘ into Districts for the Management of Infant Poor not above the
 ‘ Age of Sixteen Years, and by reason of certain Restrictions
 ‘ therein contained the Provisions so made for such Purpose have
 ‘ proved inoperative, and it is expedient that such of the Restriction-
 ‘ tions as are herein-after mentioned should in certain Cases be
 ‘ removed :’ Be it therefore enacted by the Queen’s most Excel-
 ‘ lent Majesty, by and with the Advice and Consent of the Lords
 ‘ Spiritual and Temporal, and Commons, in this present Parlia-
 ‘ ment assembled, and by the Authority of the same, That so
 ‘ much

Removal of Limitations on the Area of the School District, the Expense of

much of the said Act as prevents the Commissioners therein mentioned from including in any such District any Parish, any Part of which would be more than Fifteen Miles from any other Part of such District, and so much thereof as provides that the Principal Sum or Sums to be raised for the Purpose of providing any Building or Buildings for any School for any such District as aforesaid, and charged on any Union, or on any Parish not included in a Union, shall in no Case exceed One Fifth of the average annual Amount of the aggregate Expenditure relating to the Relief of the Poor within any such Parish for Three Years ending the Twenty-fifth Day of *March* next preceding the raising of such Money, shall not apply to prevent the Combination of any Union, or any Parish not in Union, for the Purposes aforesaid, nor the raising of any Money for the Purpose aforesaid, when the major Part of the Guardians of the several Unions and Parishes not in Union proposed to be combined shall previously thereto consent in Writing to such Combination.

Building, and the Amount of certain Expenditure, in certain Cases.

II. And be it enacted, That all the Provisions contained in the Statute passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act to continue until the Thirty-first Day of July One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament, the Poor Law Commission; and for the further Amendment of the Laws relating to the Poor in England*, in respect of the Election, Qualification, Resignation, and the Acts of Guardians of a Union, and in respect of the Supply of Vacancies in the Board of Guardians, shall apply to the Members of the District Boards formed or to be formed under the Authority of the first-recited Act and of this Act.

Certain Provisions in 5 & 6 Vict. c. 57. relating to Guardians extended to Members of District Boards formed under 7 & 8 Vict. c. 101.

III. And be it enacted, That the several Words in this Act shall be construed in the Manner prescribed in the said first-recited Act.

Interpretation of Act.

CAP. LXXXIII.

An Act to confirm the Awards of Assessionable Manors Commissioners, and for other Purposes relating to the Duchies of *Cornwall* and *Lancaster*.

[31st August 1848.]

‘ WHEREAS the Commissioners appointed in and by an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to confirm and enfranchise the Estates of Conventiary Tenants of the ancient Assessionable Manors of the Duchy of Cornwall, and to quiet Titles within the County of Cornwall as against the Duchy, and for other Purposes*, have, in pursuance of the Authority and Directions contained in the said Act, made separate Awards, with Schedules and Maps annexed, in respect of each of the said Manors, and have lodged the same in Triplicate, within the Time

7 & 8 Vict. c. 105.

General Confirmation of the Awards on the Assessionable Manors of the Duchy made under recited Act.

Discrepancies to be settled by Reference to the Map.

Awards shall not be held to prejudice Rights of the Lords of the Manors of Tywarnhaile Tyas and Tywarnhaile respectively to the Tin Mines, Tin Dues, and Toll of Tin therein respectively.

‘ Time and in the Manner required by the said Act, and no
 ‘ Petition of Appeal has been preferred or presented against
 ‘ any of the said Awards: And whereas it is expedient to re-
 ‘ move all Doubts touching the Validity and Effect of the said
 ‘ Awards, and to confirm and establish the same, notwith-
 ‘ standing any Irregularity of proceeding, Excess or Defect of
 ‘ Authority or Jurisdiction, Informality, or other Defect,
 ‘ Error, or Irregularity whatsoever:’ Be it therefore enacted
 by the Queen’s most Excellent Majesty, by and with the Advice
 and Consent of the Lords Spiritual and Temporal, and Com-
 mons, in this present Parliament assembled, and by the Autho-
 rity of the same, That the said Awards, with the Schedules and
 Maps respectively annexed thereto, and made Part thereof,
 shall be and the same are hereby declared to be binding and
 conclusive to all Intents and Purposes, as well on Her Majesty,
 Her Heirs and Successors, as on His Royal Highness the Duke
 of *Cornwall*, His Heirs and Successors, and all other Persons
 whomsoever, and between all Persons whomsoever, as to all
 Matters and Things which the said Commissioners have therein
 adjudicated upon or determined, or professed to adjudicate
 upon or determine, or which the said Awards purport to ascer-
 tain or settle, notwithstanding any such Irregularity, Excess,
 Defect, Informality, or Error as aforesaid; and all Heredita-
 ments which in and by the said Awards appear or are ascertained
 or settled to belong to His Royal Highness shall be deemed
 and taken to have been thereby determined to belong to the
 Duke of *Cornwall*, within the Intent and Meaning of the said
 Act: Provided always, that if any irreconcilable Discrepancy
 shall appear between the Acreage of any Tenement, Close,
 Field, or Parcel of Land as specified in any Schedule, and the
 Extent of the same as measured by the Scale on the Map of
 the Manor to which the Schedule relates, then the true Extent
 and Boundary of the same shall be ascertained by Reference
 to the Map, and not to the Number of Acres alleged in the
 said Schedule to be contained therein.

II. ‘ And whereas the Lord or Lords of the Manor or Lord-
 ‘ ship of *Tywarnhaile Tyas* claims or claim Title, in right of
 ‘ their said Manor or Lordship or otherwise, to a Moiety of all
 ‘ Tin Mines, Tin Ore, Tin Dues, or Tin Toll throughout the
 ‘ Lands awarded as the Demesne or Conventional Lands of
 ‘ the Manor of *Tywarnhaile*, and His Royal Highness the Duke
 ‘ of *Cornwall* claims Title to a Moiety of all the like Mines,
 ‘ Ore, Dues, or Toll throughout the Lands within the Manor
 ‘ or Lordship of *Tywarnhaile Tyas*: And whereas it was not
 ‘ intended in or by the said Act or Awards to prejudice either
 ‘ of the above Claims, or to disturb the respective Rights so
 ‘ claimed as aforesaid:’ Be it therefore enacted, That nothing in
 the Awards contained shall be held or construed to prejudice
 either of the said Claims, or to disturb, vary, or impair such
 respective Rights as aforesaid, but the same shall subsist and
 continue throughout the several Lands herein-before mentioned,
 notwithstanding the said Act and Awards: Provided always,
 that

that it shall be lawful for His Royal Highness, His Heirs and Successors, and for the Lord or Lords for the Time being of the said Manor or Lordship of *Tywarnhaile Tyas*, or the Majority in Value of such Lords, by Agreement in Writing under the Seal of His Royal Highness, His Heirs or Successors, and under the Hands and Seals of the said Lord or Lords, or such Majority as aforesaid, such Agreement to be made by His Royal Highness, His Heirs or Successors, of the one Part, and the said Lord or Lords, or such Majority as aforesaid, of the other Part, to be enrolled in the Office of the Duchy of *Cornwall*, from Time to Time to agree upon and determine all Questions now existing or which may at any Time arise between His Royal Highness, His Heirs or Successors, of the one Part, and the Lord or Lords for the Time being of the said Manor or Lordship on the other Part, relating to the said Claims, Rights, and Interests, and define and settle such Claims, Rights, and Interests, and to make such Provisions and Regulations for granting, demising, and working the said Tin Mines, Ores, Dues, and Toll, and collecting, recovering, and dividing all Profits or Advantages accruing or arising therefrom, and generally for doing all Matters and Things incidental or relating to the Premises; and every such Agreement so made and enrolled as aforesaid, and every Demise or Grant made in pursuance thereof, shall be binding and conclusive to all Intents and Purposes whatsoever: Saving always to all Persons, other than His Royal Highness and the said Lord or Lords, and those claiming by, through, or under them, and other than the Parties to any such Agreement, Demise, or Grant, all such Estates, Rights, Titles, Interest, and Claims in, to, or upon the said last-mentioned Lands, Mines, Ores, Dues, or Toll, as they lawfully had at the passing of this Act.

Lords of the Manors of *Tywarnhaile Tyas* and *Tywarnhaile* respectively may, by Agreement in Writing, determine Questions now pending, and make Regulations for working the said Mines, &c.

Saving Rights of all Persons other than Duke of Cornwall, &c.

III. ' And whereas by an Act passed in the Second Session of Parliament holden in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to enable His Royal Highness Albert Edward Prince of Wales to make Leases and Grants of Land and Hereditaments, Parcel of His said Royal Highness's Duchy of Cornwall, or annexed to the same, and for the other Purposes therein mentioned*, it was amongst other things provided and enacted, that where the Subject Matter of any Lease or Grant to be made under the Authority and Powers of the said Act should be Mines, Minerals, or Tolls, Dues, or Royalties, in respect of Mines or Minerals, that then upon every such Lease or Grant there should be reserved a reasonable Rent, Payment, Toll, Due, Doll, or Dish, without taking or requiring any Fine or Fines whatsoever; and it has been found expedient, on certain Conditions, to permit the taking of Fines upon the making of any such Lease or Grant: Be it therefore enacted, That so much only of the last-recited Act as provides that no Fine or Fines shall be taken or required on any such Lease or Grant shall be and so much of the same is hereby repealed.

So much of 5 & 6 Vict. c. 2. as provides that no Fines shall be taken on Lease of Mines and Minerals, repealed.

Fines taken on Lease, &c. of Mines to be invested for the permanent Benefit of the Duchy, or applied to the general Improvement of the Duchy Property, under 7 & 8 Vict. c. 65.

IV. Provided always, and be it enacted, That all Fines hereafter taken or required on any such Lease or Grant of Mines, Minerals, or Tolls, Dues, or Royalties, in respect of Mines or Minerals, Parcel of the said Duchy, shall be received by the Receiver General of the Duchy, and after Deduction thereof of all Expenses incidental to the making of such Lease or Grant, or so much thereof as shall not be paid by the Lessees or Grantees, be paid into the Bank of *England* to the Account of the Duke of *Cornwall*; and all Monies so received and paid shall be from Time to Time, as soon as conveniently may be, laid out in the Purchase of Three Pounds *per Centum* Bank Annuities in the Name of the Duke of *Cornwall*, and for the permanent Benefit of the Duchy, and the Dividends of the Stock so purchased shall be paid by the Governor and Company of the Bank of *England* to the said Receiver General, to the Use of the Duke of *Cornwall*, and be deemed and taken to be Part of the ordinary Revenues of the Duchy: Provided nevertheless, that during the Minority of His Royal Highness the present Duke of *Cornwall* all Monies so received and paid, and the Stock so purchased, shall be subject to be applied, appropriated, sold out, and dealt with by the Council of His Royal Highness as if the same had been Monies received and Stock purchased under the Authority of an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to enable the Council of His Royal Highness Albert Edward Prince of Wales to sell and exchange Lands and enfranchise Copyholds, Parcel of the Possessions of the Duchy of Cornwall, to purchase other Lands, and for other Purposes.*

Certain Provisions of 4 & 5 Vict. c. 35. to apply to Manors and Lands of the Duchy of *Cornwall*.

V ' And whereas an Act was passed in a Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights, and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure*, which Act was declared not to extend to the Lands and Possessions of the Duchy of *Cornwall*; but it is expedient that certain Provisions thereof should be made to extend and apply to such Lands and Possessions: Be it enacted, That the Provisions of the said last-recited Act enabling Tenants to grant Rights of Way or Entry and other Easements to the Lord of the Manor in or upon and through their respective Lands, for Mining Purposes, for enabling Courts of Equity to decree a Partition of Lands of Copyhold or Customary Tenure, for enabling Lords of Manors or their Stewards to hold Customary Courts although no Copyhold Tenant be present, and for enabling Lords or their Stewards to make, out of the Manors and out of Court, Grants of Land to be held by Copy of Court Roll, for enabling Lords or their Stewards to grant Admissions out of the Manors and out of Court, and for requiring every Surrender,

Surrender, Grant, Admission, and every Fact proved to the Lord or Steward at any Court whereat a Homage shall not be assembled to be forthwith entered on the Court Rolls, and determining that Presentment by the Homage shall not be essential to the Validity of an Admission, shall extend and apply to the Lands and Possessions of the Duchy of *Cornwall*, and to any Enfranchisement of Lands held as of the Duchy Manors to be effected under the Powers given by any existing Act or Acts of Parliament, and to the Stewards and Tenants for the Time being of such Manors.

VI. ‘ And whereas by the herein-before recited Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to enable the Council of His Royal Highness Albert Edward Prince of Wales to sell and exchange Lands and enfranchise Copyholds, Parcel of the Possessions of the Duchy of Cornwall, and for other Purposes*, it is declared and provided, that Enrolments or examined Copies of Enrolments of Deeds, Certificates, Receipts, or other Instruments, appearing or purporting to have been made, given, or executed under the Authority of that Act, or of any Act theretofore passed relating to the Lands or Possessions of the said Duchy, shall be admissible in Evidence for the Purposes therein specified; and it is expedient that such Provision should be amended, and made to extend and apply to other Instruments duly enrolled among the Records of the Duchy, and that the Proof thereof should be further facilitated:’ Be it enacted, That where any Deed, Certificate, Receipt, or other Instrument relating to the Lands or Possessions of the said Duchy shall have been duly enrolled in the Office of the said Duchy, the Enrolment in the Books of the said Office, or an examined Copy of such Enrolment, or a Certificate purporting to set forth a true Copy of the whole or of Part thereof, and purporting to be signed and certified by the Keeper of the Records of the Duchy for the Time being, shall, in the Absence of Evidence to the contrary, and without producing the Original, or calling any attesting Witness, and (in the Case of a certified Copy) without Proof, other than the Production of such Certificate, that such certified Copy is in fact a true Copy, be admitted by and before all Courts and Justices and in all legal Proceedings to be Proof of such original Instrument or Enrolment thereof, or of so much thereof as the said certified Copy purports to set forth, and that the Original was duly made, granted, given, or executed by the Parties thereto.

Provisions in 7 & 8 Vict. c. 65. as to Enrolments, and examined and certified Copies thereof, being Evidence of original Instruments, to apply to other Instruments duly enrolled.

VII. ‘ And whereas by an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William the Fourth*, intituled *An Act to make Provision for the better and more expeditious Administration of Justice in the Stannaries of Cornwall, and for enlarging the Jurisdiction and improving the Practice and Proceedings in the Court of the said Stannaries*, Provision is made for the Trial of Causes pending in the same Court

In Actions for the Recovery of Small Debts or Demands in the Stannary Court, Trials under 6 & 7 W. 4. c. 106. to be by a Jury of Five instead of Twelve.

‘ by

‘ by a Jury of Twelve Persons: And whereas Actions prosecuted in the said Court for the Recovery of Small Debts are regulated by special Rules of Practice differing from the Rules applicable to other Actions on the Common Law Side of the Court, and the Matters in issue between the Parties to such Actions may be well and conveniently tried by a less Number of Jurors:’ Be it therefore enacted, That in all such Actions commenced after the passing of this Act for the Recovery of such Small Debts the Number of Jurors impannelled and sworn to try any Issue shall be Five only, and not Twelve, and the Jurors so sworn shall be required to give an unanimous Verdict: Provided always, that no Debt or Demand shall be deemed to be a Small Debt within the Intent and Meaning of this Enactment which shall exceed the Sum of Twenty Pounds or such other Sum as shall hereafter be determined by any Act of Parliament to be a Small Debt within the Jurisdiction of the County Courts established by an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for the more easy Recovery of Small Debts and Demands in England.*

9 & 10 Vict.
c. 95.

Thirty-six
Jurors only to
be summoned
in future.

All Powers, &c.
as to Jury Process
to remain
in force.

VIII. ‘ And whereas it will not be necessary hereafter to summon so large a Number of Persons to attend and serve as Jurors at the Sittings of the said Court:’ Be it enacted, That the Registrar of the said Court shall in future cause Thirty-six Persons named in the Jurors Book to be so summoned, and no more: Provided always, that, save and except as aforesaid, nothing herein contained shall be taken to alter the Practice of the Court, but all and every the Powers, Provisions, and Authorities contained in the last-recited Act touching Jury Process and Proceedings on Trials by Jury shall remain in full Force, and be applicable and applied as well to Trials by a Jury of Five as by a Jury of Twelve Persons.

The Vice
Warden to appoint
Bailiffs to
execute Process.

IX. ‘ And whereas no adequate Provision now exists for the due Appointment of Bailiffs of the said Court:’ Be it enacted, That it shall and may be lawful for the Vice Warden for the Time being to appoint from Time to Time a competent Number of fit and responsible Persons to be Bailiffs of the said Court, for the Service and Execution of all Process on the Common Law Side thereof, and Process of Attachment in Equity, who shall give such Security for the due Performance of their Duties as shall appear to the Vice Warden sufficient in that Behalf, and shall hold their Offices during his Pleasure, and be entitled to demand and receive all lawful Fees due to them in virtue of their Office of Bailiff; and all the Powers, Provisions, and Enactments of an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Bailiffs of Inferior Courts*, so far as the same touches and concerns the Publication of Lists of the Names and Abodes of such Bailiffs, and of the Fees allowed to them by Law, the Penalties for taking undue Fees, the Remedies against Bailiffs

Provisions of
7 & 8 Vict. c. 19.
to be applicable
to Bailiffs so
appointed.

for Extortion, Misconduct, or not duly paying or accounting for Money levied, and the Penalty for assaulting Bailiffs in the Execution of their Duty, or rescuing Persons or Goods taken or levied under Process, shall be held and taken to apply and extend to the Court of the Vice Warden of the Stannaries, and to the Bailiffs appointed under the Authority of this Act; and all Constables and Peace Officers shall, when required thereto, be aiding and assisting in the Execution of Process by the said Bailiffs within their several Jurisdictions: Provided always, that nothing herein contained shall be construed to restrain the Vice Warden from making from Time to Time such Rules and Orders touching the Office, Duty, and Fees of Bailiffs as are not repugnant to this or any other Act of Parliament.

X. And because the Provisions of divers Acts of Parliament of late made and passed for the Relief of Sheriffs and other Officers against adverse Claims do not extend to the Court of the Vice Warden of the Stannaries, by reason whereof the Bailiffs of the said Court will be exposed to greater Hazard and Expense than similar Officers in other Courts, be it therefore enacted, That all the Powers, Provisions, and Enactments of an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable Courts of Law to give Relief against adverse Claims made upon Persons having no Interest on the Subject of such Claims*, so far as the same touches and concerns the Relief and Protection of Sheriffs and other Officers in the Execution of Process against Goods and Chattels, and the entering of Record the Proceedings taken under that Act, and the Force and Effect of Rules and Orders so entered, and the issuing of Execution for taxed Costs, and the Fees for executing the same, shall be held and taken to apply and extend to the Court of the said Vice Warden and to the Bailiffs of the said Court so appointed as aforesaid; and it shall be lawful for the Vice Warden, or for the Registrar of the said Court, whether the Court be sitting or not, to make Rules and Orders and to exercise the Powers and Authorities contained in the said Act for the Relief and Protection of such Bailiffs, and, with the Consent of the Execution Creditor and adverse Claimant in any Case, their Attornies or Agents, to dispose of such Claims on the Merits, and determine the same in a summary Manner.

Provisions of 1 & 2 W. 4. c. 58. for the Relief of Sheriffs against adverse Claims, to extend to the Vice Warden's Court and the Bailiffs thereof.

XI. 'And whereas by the before-recited Act passed at the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth the Vice Warden is authorized to appoint a fit and proper Person to act as Prothonotary or Assistant Registrar in the said Court, with the yearly Salary of Two hundred Pounds, and it is expedient that a new Arrangement should be made with respect to the future Discharge of the Duties of such Office:' Be it enacted, That when and so soon as the said Office shall become vacant by Death, Resignation, or other-

The Office of Prothonotary when vacant to be suppressed, and the Duties to be performed by Two Clerks.

wise it shall and may be lawful for the Vice Warden for the Time being to appoint by Writing under the Seal of his Court Two fit and proper Persons, who shall hold their Offices at the Will of the Vice Warden, to be Clerks of the said Court, and as such Clerks to do and execute under the Direction of the Vice Warden, and in aid of the Registrar, all the Duties now performed by the said Prothonotary or Assistant Registrar, at and for the several yearly Salaries of One hundred and twenty Pounds and Eighty Pounds respectively, such Salaries to be payable and paid at the Times and in the Manner and out of the Funds provided in and by the last-mentioned Act for the Payment of the Salary of the Prothonotary or Assistant Registrar.

Actions against Officers to be commenced within Three Months, and short Forms of Pleading to be admitted in such Actions.

XII. And for the better Protection of the Officers of the Vice Warden's Court in the Performance of their Duties, be it enacted, That all Actions brought in the Superior or other Courts against a Judge, Registrar, Bailiff, or other Officer of the Court of the Vice Warden of the Stannaries, or against others acting in aid of them, for any thing done in execution of the Process or by the Authority of the said Court, shall be commenced within Three Calendar Months next after the committing of the Act or Grievance complained of, and not afterwards; and it shall be competent for the Defendant in any such Action to justify, if need be, by alleging generally in his Plea or Avowry that the Act or Matter complained of was done in execution of the Process or by the Authority of the Court of the Vice Warden of the Stannaries of *Cornwall*, without further setting forth the Authority of Process of the said Court; and the Plaintiff shall be permitted to reply thereto generally, that the same was done by the Defendant of his own Wrong, and without the Cause alleged by him; and upon Issue joined thereupon all the Matters and Facts relied upon by the one Party or the other shall be admitted in Evidence.

Property provided for Use of Stannary Court vested in Duchy of Cornwall.

XIII. And be it enacted and declared, That all Personal Property, Goods, Chattels, and Effects whatsoever, provided or to be provided for the Use of the said Court, or for the Use of the Vice Warden for the Time being, or other Officer of the said Court, shall vest in His Royal Highness the Duke of *Cornwall* in right of His Duchy.

Certain of the Provisions in 7 & 8 Vict. c. 65. and in this Act relating to Enrolments, and examined and certified Copies thereof, extended to the Possessions of Her Majesty in right of the Duchy of Lancaster.

XIV. ' And whereas by the said herein-before recited Act
' passed in the Session of Parliament holden in the Seventh
' and Eighth Years of the Reign of Her said present Majesty,
' intituled *An Act to enable the Council of His Royal Highness*
' *Albert Edward Prince of Wales to sell and exchange Lands and*
' *enfranchise Copyholds, Parcel of the Possessions of the Duchy*
' *of Cornwall, to purchase other Lands, and for other Purposes,*
' it is also enacted, that every Deed or Instrument whereby
' any Manors, Messuages, Lands, Tenements, or Hereditaments
' now or at any Time hereafter Parcel of the Lands or Posses-
' sions of the Duchy of *Cornwall* shall after the passing of the
' same Act be purchased, sold, exchanged, leased, licensed to be
' demised,

demised, enfranchised, or granted under the Authority of the same Act or of any other Act or otherwise, shall, within Six Calendar Months after the Date of such Deed or Instrument, be enrolled in the Office of the Duchy of *Cornwall*; and it is by the same Act enacted, that the Keeper of the Records of the Duchy of *Cornwall* shall and he is thereby required to enrol every Deed or Instrument thereby directed to be enrolled in the Office of the said Duchy in Order of Time as the same shall respectively be brought to the said Office for that Purpose, and certify under his Hand, or under the Hand of his Deputy for the Time being, upon the said Deeds or Instruments respectively when enrolled, the Fact of their having been so enrolled; and by the same Act it is also enacted, that in all Cases where the Enrolment of any Deed or other Instrument, or Minute or Document, before the said Keeper of the Records, has been or shall be omitted or delayed beyond the Period provided for the Enrolment and Entry thereof respectively, it shall be lawful for the Council of His said Royal Highness or others the Commissioners for managing the Affairs of the said Duchy for the Time being, for every reasonable Cause to them shown for the Omission or Delay, and they are thereby authorized and empowered, to permit the making of any such Enrolment or Entry *nunc pro tunc*, and the same respectively when made under such Authority shall be as valid and effectual as if made within the Period therein before limited for that Purpose: And whereas it is expedient that the several Provisions and Enactments in the said recited Act of the Seventh and Eighth Years of the Reign of Her said Majesty, intituled *An Act to enable the Council of His Royal Highness Albert Edward Prince of Wales to sell and exchange Lands and enfranchise Copyholds, Parcel of the Possessions of the Duchy of Cornwall, to purchase other Lands, and for other Purposes*, and in this Act, or one of them, expressly or by Reference contained, relating to the Enrolment of Deeds, and to the Time within which such Enrolment shall be made, and declaring and providing that Enrolments, or examined Copies of Enrolments, Deeds, Certificates, Receipts, or other Instruments or Certificates purporting to set forth a true Copy of the whole or of Part thereof, and purporting to be signed and certified by the Keeper of the Records of the Duchy for the Time being, shall, in the Absence of Evidence to the contrary, and without producing the Original, or calling any attesting Witness, and in the Case of a certified Copy without Proof, other than the Production of such Certificate, that such certified Copy is in fact a true Copy, be admitted, by and before all Courts and Justices, and in all legal Proceedings, to be Proof of such original Instrument or Enrolment thereof, or of so much thereof as the said certified Copy purports to set forth, and that the Original was duly made, granted, given, or executed by the Parties thereto, and authorizing the Council of His said Royal Highness, or others the Commissioners for managing the Affairs of the said Duchy for

‘ the Time being, to permit the making of any Enrolments or
 ‘ Entry *nunc pro tunc*, shall be extended to Deeds and other
 ‘ Instruments relating to Manors, Messuages, Lands, Tene-
 ‘ ments, and Hereditaments the Possessions of Her Majesty in
 ‘ right of Her Duchy of *Lancaster*, and Enrolments of such
 ‘ Deeds and other Instruments, and certified Copies of such
 ‘ Enrolments or any Parts thereof:’ Be it therefore enacted,
 That the said Provisions, Declarations, and Enactments in the
 said last-mentioned Act and in this Act or in one of the same
 Acts expressly or by reference contained relating to the afore-
 said several Acts, Matters, and Things in this present Clause
 or Provision mentioned or referred to, shall be and the same
 are hereby made applicable to Deeds, Certificates, Receipts, or
 other Instruments hereafter to be executed, made, or signed
 relating to Manors, Messuages, Lands, Tenements, and Here-
 ditaments now or at any Time hereafter Parcel of the Posses-
 sions of Her said Majesty, Her Heirs and Successors, in right
 of Her said Duchy of *Lancaster*, and to Enrolments of such
 Deeds, Certificates, Receipts, or other Instruments, and certi-
 fied Copies of such Enrolments or Parts thereof, as fully as the
 same Provisions, Declarations, and Enactments are by the said
 last-recited Act and this Act, or either of them, made applicable
 to Deeds, Certificates, Receipts, or other Instruments relating
 to any Manors, Messuages, Lands, Tenements, or Heredita-
 ments, Parcel of the Possessions of the Duchy of *Cornwall*, and
 Enrolments of such Deeds, Certificates, Receipts, and other
 Instruments, and certified Copies thereof or any Part thereof,
 and as fully as if the Manors, Messuages, Lands, Tenements,
 and Hereditaments of or belonging to Her said Majesty in
 right of Her said Duchy of *Lancaster*, and Deeds, Certificates,
 Receipts, and other Instruments relating to the same Here-
 ditaments, and Enrolments of such Deeds, Certificates, Re-
 ceipts, and other Instruments, and certified Copies thereof or
 any Parts thereof, and the Keeper of the Records of the Duchy
 of *Lancaster*, and the Chancellor and Council of the same
 Duchy, had been respectively mentioned, named, and referred
 to therein, either alone and instead of or in addition to the
 Council of the Duchy of *Cornwall*, or other the Commissioners
 for managing the Affairs of the same Duchy, and any Manors,
 Messuages, Lands, Tenements, or Hereditaments, Parcel of the
 Lands or Possessions of the Duchy of *Cornwall*, and any Deeds,
 Certificates, Receipts, or other Instruments relating to the same
 Hereditaments, and Enrolments of any such Deeds, Certificates,
 Receipts, and other Instruments, and certified Copies thereof or
 of any Parts thereof, and the Keeper of the Records of the
 Duchy of *Cornwall*, and His said Royal Highness, or the Com-
 missioners for managing the Affairs of the said Duchy for the
 Time being, and as if the Provisions, Declarations, and Enact-
 ments in the last-recited Act and herein-before mentioned or
 referred to had been specially repeated in this Act, and had,
 together with the Provisions in this Act in reference to the said
 Acts, Matters, and Things in this present Provision or Clause
 mentioned

mentioned or referred to, been applied to the Manors, Messuages, Lands, Tenements, and Hereditaments, Parcel of the Possessions of Her said Majesty in right of Her said Duchy of *Lancaster*, and any Deeds, Certificates, Receipts, or other Instruments relating to the same Hereditaments, and Enrolments of such Deeds, Certificates, Receipts, or other Instruments, and certified Copies thereof or any Parts thereof, and the Keeper of the Records of the said Duchy of *Lancaster*, and the Chancellor and Council of the same Duchy.

XV. And be it enacted, That this Act and every Part thereof shall be deemed to be a Public Act, and judicially noticed as such. Public Act.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

CAP. LXXXIV.

An Act to amend the Acts for rendering effective the Service of the *Chelsea* and *Greenwich* Out-Pensioners, and to extend them to the Pensioners of the *East India* Company. [31st August 1848.]

‘ WHEREAS under an Act passed in the Session held in
 ‘ the Sixth and Seventh Years of the Reign of Her pre-
 ‘ sent Majesty, intituled *An Act for rendering more effective* 6 & 7 Vict. c. 95.
 ‘ *the Services of such Out-Pensioners of Chelsea Hospital as*
 ‘ *shall be called out to assist in preserving the Public Peace,*
 ‘ and an Act passed in the Session held in the Ninth and Tenth 9 & 10 Vict. c. 9.
 ‘ Years of the same Reign, for amending the said first-men-
 ‘ tioned Act, Her Majesty was empowered, by Her Warrant
 ‘ under the Royal Sign Manual, to order that such and so
 ‘ many of the Out-Pensioners of *Chelsea* and such of the
 ‘ Out-Pensioners of *Greenwich* Hospitals as might have served
 ‘ in the Royal Marines as Her Majesty might think fit,
 ‘ should be enrolled as a local Force for the Preservation of the
 ‘ Peace, under the Conditions specified in the said Acts, but
 ‘ that the whole Number so to be enrolled should not at any
 ‘ One Time exceed Twenty thousand Men: And whereas it
 ‘ is expedient that the Provisions of the said Acts should be
 ‘ extended to such Pensioners from the Land Forces of the *East*
 ‘ *India* Company as now are or may hereafter become resident
 ‘ in the United Kingdom, and who may volunteer to serve Her
 ‘ Majesty as enrolled Pensioners, upon the Terms and subject
 ‘ to the Provisions of the said Acts, and that Her Majesty
 ‘ should for that Purpose be empowered to increase the Num-
 ‘ ber of Pensioners so to be enrolled:’ Be it enacted by the
 Queen’s most Excellent Majesty, by and with the Advice and
 Consent of the Lords Spiritual and Temporal, and Commons,
 in this present Parliament assembled, and by the Authority
 of the same, That the said Acts shall apply to such of the said
 Pensioners from the Land Forces of the *East India* Company Recited Acts to
apply to Pen-

sioners from
such Forces of
East India
Company as
may volunteer.

Cap. 84—86. *Out-Pensioners.—Stock in Trade.* 11 & 12 VICT.

as may volunteer as aforesaid, in the like Manner as if they were Out-Pensioners of *Chelsea* or *Greenwich* Hospitals; and that the whole Number of Pensioners of these Hospitals, and from the Land Forces of the said Company, so to be enrolled in the United Kingdom at any One Time, may be any Number not exceeding Thirty thousand Men.

CAP. LXXXV.

An Act to continue to the First Day of *October* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.

[31st August 1848.]

3 & 4 Vict. c. 89.

Recited Act
further con-
tinued.

Act may be
amended, &c.

‘ WHEREAS an Act was passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to exempt until the Thirty-first Day of December One thousand eight hundred and forty-one Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor*: And whereas the said Act hath been since continued by sundry Acts until the First Day of *October* in the Year One thousand eight hundred and forty-eight, and, if Parliament be then sitting, to the End of the then Session of Parliament, and it is expedient that the said Act be further continued:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the first-mentioned Act shall continue in force until the First Day of *October* in the Year One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LXXXVI.

An Act to empower Commissioners of the Court of Bankruptcy to order the Release of Bankrupts from Prison in certain Cases. [31st August 1848.]

‘ WHEREAS it occasionally happens that Persons in Prison for Debt who have been adjudged bankrupt, and who have surrendered to their Fiats, are nevertheless detained in Prison during the Proceedings under the Bankruptcy, which occasions great Inconvenience, and it also occasionally happens that Bankrupts whose Certificates have been refused are taken in Execution by Creditors who have not proved their

‘ their Debts under the Fiat, and are detained in Prison, and
 ‘ are unable to obtain their Release by any Application to
 ‘ any Court of Justice; and it is expedient to empower the
 ‘ Courts of Bankruptcy to release such Persons, if they shall
 ‘ think fit:’ Be it enacted by the Queen’s most Excellent
 Majesty, by and with the Advice and Consent of the Lords
 Spiritual and Temporal, and Commons, in this present Parlia-
 ment assembled, and by the Authority of the same, That where
 any Person has been adjudged bankrupt, and has surrendered
 to his Fiat, and obtained his Protection from Arrest, pursuant
 to the Practice in Bankruptcy, if such Person shall be in Prison
 for Debt at the Time of his obtaining such Protection any
 Commissioner acting under such Fiat may order his immediate
 Release from Prison, either absolutely or upon such Condition
 as such Commissioner shall think fit: Provided always, that
 such Release shall in nowise affect any Rights of the Creditor at
 whose Suit he may be in Prison against the Debtor, except the
 Right of detaining him in Prison whilst protected from Impri-
 sonment by Order of the Court of Bankruptcy.

Commissioner
may order Re-
lease of Bank-
rupt who may
be in Prison for
Debt at Time of
obtaining Pro-
tection.

II. And be it enacted, That if any Bankrupt whose last
 Examination shall have been adjourned *sine Die*, or whose
 Certificate shall have been suspended or refused, shall be in
 Execution or be taken in Execution under a Capias ad satis-
 faciendum at the Suit of any Creditor who might have proved
 under the Fiat, and detained in Prison, any Commissioner
 acting under his Fiat may order his Release, after he shall have
 undergone such Term of Imprisonment, not exceeding Two
 Years, as to such Commissioner may seem a sufficient Punish-
 ment for such Offences as he may appear to such Commissioner
 to have been guilty of.

Commissioner
may order Re-
lease of Bank-
rupt in Execu-
tion under a
Capias after a
certain Term of
Imprisonment.

CAP. LXXXVII.

An Act to extend the Provisions of an Act passed in
 the First Year of His late Majesty King *William* the
 Fourth, intituled *An Act for consolidating and amend-
 ing the Laws for facilitating the Payment of Debts
 out of Real Estate.* [31st August 1848.]

‘ **W**HEREAS by an Act passed in the First Year of the
 ‘ Reign of His late Majesty King *William* the Fourth,
 ‘ intituled *An Act for consolidating and amending the Laws for*
 ‘ *facilitating the Payment of Debts out of Real Estate*, it was
 ‘ (amongst other things) enacted, that where any Lands, Tene-
 ‘ ments, or Hereditaments had been or should be devised in
 ‘ Settlement by any Person or Persons whose Estate under the
 ‘ said Act now in recital, or by Law, or by his or their Will or
 ‘ Wills, should be liable to the Payment of any of his or their
 ‘ Debts, and by such Devise should be vested in any Person
 ‘ or Persons, or Life or other limited Interest, with any Remain-
 ‘ der, Limitation, or Gift over which might not be vested, or
 ‘ might be vested in some Person or Persons from whom a

11 G. 4. &
1 W. 4. c. 47.

Recited Provision to extend to Lands, &c. of a deceased Debtor, in certain Cases.

‘ Conveyance or other Assurance of the same could not be
 ‘ obtained, or by way of Executory Devise, and a Decree should
 ‘ be made for the Sale thereof for the Payment of such Debts,
 ‘ or any of them, it should be lawful for the Court by whom
 ‘ such Decree should be made to direct any such Tenant for
 ‘ Life, for other Person having a limited Interest, or the First
 ‘ Executory Devisee thereof, to convey, release, assign, sur-
 ‘ render, or otherwise assure the Fee Simple or other the whole
 ‘ Interest or Interests so to be sold to the Purchaser or Pur-
 ‘ chasers, or in such Manner as the said Court should think
 ‘ proper; and every such Conveyance, Release, Surrender, As-
 ‘ signment, or other Assurance should be as effectual as if the
 ‘ Person who should make and execute the same were seised
 ‘ or possessed of the Fee Simple or other whole Estate so to
 ‘ be sold: And whereas the herein-before recited Provision of
 ‘ the said Act does not extend to the Case of Lands, Tene-
 ‘ ments, or Hereditaments of a deceased Debtor which are by
 ‘ Descent or otherwise than by Devise vested in the Heir or
 ‘ Co-heirs of such Debtor, subject to an Executory Devise over
 ‘ in favour of a Person or Persons not existing or not ascer-
 ‘ tained, and it is expedient that the said Provision of the said
 ‘ Act should be extended to such Case:’ Be it therefore enacted
 by the Queen’s most Excellent Majesty, by and with the Advice
 and Consent of the Lords Spiritual and Temporal, and Com-
 mons, in this present Parliament assembled, and by the Au-
 thority of the same, in Cases in other respects falling within
 the said herein-before recited Provision of the said Act, That
 the said herein-before recited Provision of the said Act shall
 extend and is hereby extended to any Case in which any Lands,
 Tenements, or Hereditaments of any deceased Person shall by
 Descent or otherwise than by Devise be vested in the Heir or
 Co-heirs of such Persons, subject to an Executory Devise over
 in favour of a Person or Persons not existing or not ascertained;
 and in any such Case it shall be lawful for the Court mentioned
 in the said recited Provision to direct such Heir or Co-heirs,
 notwithstanding such Heir or such Co-heirs, or any of them,
 may be an Infant or Infants, to convey, release, assign, sur-
 render, or otherwise assure the Fee Simple or other the whole
 Interest or Interests so to be sold to the Purchaser or Pur-
 chasers, or in such Manner as the said Court shall think proper;
 and every such Conveyance, Release, Surrender, Assignment, or
 other Assurance shall be as effectual as if the Heir or Co-heirs
 who shall make and execute the same was or were seised or
 possessed of the Fee Simple or other whole Estate so to be
 sold, and, if an Infant or Infants, was or were of full Age.

Act may be amended, &c.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

CAP. LXXXVIII.

An Act for further regulating the Money Order Department of the Post Office. [31st August 1848.]

‘ WHEREAS by an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of the Duties of Postage*, it is enacted, that the Mode of transmitting small Sums of Money through the Post Office, by means of Money Orders, under Regulations which had been made by the Postmaster General, with the Concurrence of the Commissioners of Her Majesty’s Treasury, might have Continuance so long as the Commissioners of Her Majesty’s Treasury should see fit: And whereas it is expedient to make further Provisions as to Money Orders granted or issued by the Post Office:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Money Orders heretofore granted under or by virtue of the said Regulations, or of the said recited Act, shall remain, continue, or be in force for a longer Period than Twelve Calendar Months from and after the passing of this Act; and that from and after the Expiration of that Period all Liability to pay such Money Orders by or on the Part of the Postmaster General, or of any Officer of the Post Office or of the Post Office Revenue, shall absolutely cease and determine: Provided always, that it shall be lawful for the Postmaster General and he is hereby authorized, with the Consent of the Commissioners of Her Majesty’s Treasury, to pay any such Money Orders in special Cases or under special Circumstances after such Period shall have expired: Provided also, that it shall be lawful for the Commissioners of Her Majesty’s Treasury, at any Time or Times hereafter, by Warrant under their Hands, to alter the Period hereby fixed and limited for the Payment of Money Orders heretofore granted, and to fix any other Period for the Payment of the same, such Alteration nevertheless not to commence or be in force until after the Expiration of Three Calendar Months after due Notice of the proposed Alteration shall have been given in the *London Gazette*.

3 & 4 Vict. c. 96.

No Money Orders granted under recited Act to continue in force longer than Twelve Months; and Liability of Postmaster General to pay such Orders to cease, except in certain Cases, with Consent of Treasury.

Treasury may, by Warrant, alter Period fixed for Payment of Money Orders.

II. And be it enacted, That it shall be lawful for the Postmaster General, with the Consent of the Commissioners of Her Majesty’s Treasury, at any Time hereafter, to make any Regulations or Restrictions relating to Money Orders, either heretofore granted or issued or to be hereafter granted or issued, and to the Payment thereof, and to the Persons by or to whom the same shall be paid, and to the Times at which and the Mode in which the same shall be paid, as the said Postmaster General, with such Consent as aforesaid, shall see fit, and from Time to Time, with such Consent as aforesaid, to alter or repeal any such Regulations or Restrictions, and make and establish any new or other Regulations or Restrictions in lieu thereof; and that

Power to Postmaster General to make Regulations relating to Money Orders.

that all such Regulations and Restrictions shall be binding and conclusive, as well upon the Persons to whom such Money Orders have been or shall be granted or issued, and the Payees thereof, and all Persons interested or claiming under them, and all other Persons whomsoever, as upon all Officers of the Post Office; and all such Regulations and Restrictions shall have the same Force and Effect in all respects as if the same had been and were contained in and enacted by this Act; and that no Action, Suit, or other Proceeding at Law or in Equity shall be brought, instituted, or commenced in any Court or before any Judge or Justice, or otherwise howsoever, against the Postmaster General or against any Officer of the Post Office, or against any other Person whomsoever, for or by reason or in consequence of the making of any such Regulations or Restrictions, or of any Compliance therewith, or otherwise in relation to any such Regulations or Restrictions, or for or by reason or in consequence of the Payment of any such Money Orders being refused or delayed by or on account of any accidental Neglect, Omission, or Mistake by or on the Part of any Officer of the Post Office, or for any other Cause whatsoever, without Fraud or wilful Misbehaviour on the Part of any such Officer of the Post Office, any Law, Statute, or Usage to the contrary in anywise notwithstanding.

Power to Postmaster General to refund Amount of Money Orders.

After Repayment Liabilities of Postmaster General to cease.

Penalty on Officers of Post Office issuing Money Orders with fraudulent Intent.

In Indictments it shall be sufficient to name "Her Majesty's Postmaster General."

III. And be it enacted, That it shall be lawful for the Postmaster General at any Time hereafter to repay or refund the Amount of any Money Orders either heretofore granted or issued or to be hereafter granted or issued to the Person or Persons to whom the same have been or shall or may be so granted or issued, or his, her, or their Executors or Administrators, whether such Money Orders shall remain or be in the Possession of such Person or Persons or not; and that in all Cases from and immediately after any such Repayment or Refunding as aforesaid all Liability by or on the Part of the Postmaster General, or of any Officer of the Post Office or of the Post Office Revenue, for or in respect of such Money Orders or of the granting or issuing of the same, or of the Repayment or Refunding the Amount thereof, shall, as against the Payees of such Money Orders and the Holders thereof, and all other Persons whomsoever, absolutely cease and determine.

IV. And be it enacted, That every Officer of the Post Office who shall grant or issue any Money Order with a fraudulent Intent shall in *England* and *Ireland* be guilty of Felony, and in *Scotland* of a high Crime and Offence, and shall, at the Discretion of the Court, either be transported beyond the Seas for the Term of Seven Years or be imprisoned for any Term not exceeding Three Years.

V. And for the more effectual Prosecution of Offenders be it enacted, That in any Indictment or Criminal Letters for any Felony or Misdemeanor committed or attempted to be committed in, upon, or with respect to the Post Office or the Post Office Revenue, or in, upon, or with respect to any Property, Monies, Money Orders, Goods, Chattels, or Effects under the Management

Management or Control of the Postmaster General, or where any Act, Matter, or Thing shall have been done or committed by any Person with or for any malicious, injurious, or fraudulent Design, Intent, or Purpose, in anywise relating to or concerning the Post Office or the Post Office Revenue, or any such Property, Monies, Money Orders, Goods, Chattels, or Effects as aforesaid, or the Postmaster General, it shall be sufficient to lay any such Property in, and to state or allege the same to belong to, and to state or allege any such Act, Matter, or Thing to have been done or committed with Intent to injure or defraud "Her Majesty's Postmaster General;" and in all Indictments and Criminal Letters relating to or in any wise concerning the Department of the Post Office it shall be sufficient, to name and describe the Postmaster General as "Her Majesty's Postmaster General," without any further or other Name, Addition, or Description whatsoever.

VI. And be it enacted, That whenever the Warrant of the Commissioners of Her Majesty's Treasury is required by this Act, such Warrant may be under the Hands of the Commissioners of Her Majesty's Treasury, or any Three of them; and that whenever the Order, Consent, Authority, or Direction of the Commissioners of Her Majesty's Treasury is prescribed by this Act, such Order, Consent, Authority, or Direction (not being by Warrant) may be signified either under the Hands of the Commissioners of Her Majesty's Treasury, or any Three of them, or under the Hand of One of their Secretaries or Assistant Secretaries.

As to Warrants
of the Treasury.

VII. And be it enacted, That any printed Copy of the *London Gazette*, purporting to be printed and published by the Person or Persons having Authority to print and publish the same, shall be admitted as Evidence by all Courts, Judges, Justices, and others in any Part of Her Majesty's Dominions of any Treasury Warrant and of any Regulations or Restrictions which shall be issued or made under or by virtue of this Act, and contained in any such Gazette, and of the due issuing thereof, and of the Contents of any such Warrant, Regulations, or Restrictions, without any further or other Proof.

Printed Copies
of the London
Gazette to be
Evidence.

VIII. And be it enacted, That this Act shall be deemed and taken to be a Post Office Act, and that the several Terms and Expressions used in this Act shall be construed according to the respective Interpretations contained or referred to in the said Act passed in the Fourth Year of the Reign of Her present Majesty, so far as those Interpretations are not repugnant to the Subject or inconsistent with the Context of such Terms and Expressions.

Act to be
deemed a Post
Office Act.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

Act may be
amended, &c.

CAP. LXXXIX.

An Act to continue for Two Years, and to the End of the then next Session of Parliament, and to amend, an Act of the Second and Third Years of Her present Majesty, intituled *An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of His late Majesty George the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty George the Third, for preventing the administering and taking unlawful Oaths in Ireland.* [31st August 1848.]

‘ WHEREAS an Act was passed in the Fiftieth Year of the
 ‘ Reign of His Majesty King George the Third, intituled
 50 G. 3. c. 102. ‘ *An Act for the more effectually preventing the administering and*
 ‘ *taking of unlawful Oaths in Ireland, and for the Protection of*
 ‘ *Magistrates and Witnesses in Criminal Cases*: And whereas the
 ‘ said Act was amended by an Act passed in the Fourth Year
 ‘ of the Reign of His Majesty King George the Fourth, inti-
 4 G. 4. c. 87. ‘ tuled *An Act to amend and render more effectual the Provisions*
 ‘ *of an Act made in the Fiftieth Year of His late Majesty’s Reign*
 ‘ *for preventing the administering and taking unlawful Oaths in*
 ‘ *Ireland*: And whereas the Provisions of the said last-recited
 ‘ Act were extended and rendered more effectual by an Act
 ‘ passed in the Session of Parliament holden in the Second and
 ‘ Third Years of the Reign of Her present Majesty, intituled
 2 & 3 Vict. c. 74. ‘ *An Act to extend and render more effectual for Five Years an*
 ‘ *Act passed in the Fourth Year of His late Majesty George the*
 ‘ *Fourth, to amend an Act passed in the Fiftieth Year of His*
 ‘ *Majesty George the Third, for preventing the administering and*
 ‘ *taking unlawful Oaths in Ireland*: And whereas by an Act
 ‘ passed in the Session of Parliament [holden in the Seventh
 ‘ and Eighth Years of the Reign of Her present Majesty,
 7 & 8 Vict. c. 78. ‘ intituled *An Act to continue for One Year an Act of the Second*
 ‘ *and Third Years of Her present Majesty, intituled ‘ An Act to*
 ‘ *‘ extend and render more effectual for Five Years an Act passed*
 ‘ *‘ in the Fourth Year of His late Majesty George the Fourth,*
 ‘ *‘ to amend an Act passed in the Fiftieth Year of His Majesty*
 ‘ *‘ George the Third, for preventing the administering and taking*
 ‘ *‘ unlawful Oaths in Ireland,*’ the said last-recited Act was con-
 ‘ tinued for the further Period of One Year from the First
 ‘ Day of September in the Year One thousand eight hundred
 ‘ and forty-four: And whereas by an Act passed in the
 ‘ Session of Parliament holden in the Eighth and Ninth Years
 8 & 9 Vict. c. 55. ‘ of the Reign of Her present Majesty, intituled *An Act to con-*
 ‘ *tinue for Two Years, and to the End of the then next Session of*
 ‘ *Parliament, and to amend, an Act of the Second and Third*
 ‘ *Years of Her present Majesty, intituled ‘ An Act to extend and*
 ‘ *‘ render more effectual for Five Years an Act passed in the*
 ‘ *‘ Fourth Year of His late Majesty George the Fourth, to amend*

‘ *an Act passed in the Fiftieth Year of His Majesty George the*
‘ *Third, for preventing the administering and taking unlawful*
‘ *Oaths in Ireland,*’ the said Act of the Second and Third
‘ Years of Her present Majesty (subject to an Amendment
‘ in the said Act of the Eighth and Ninth Years of Her present
‘ Majesty contained) was continued in force for the further
‘ Period of Two Years from the First Day of *September* One
‘ thousand eight hundred and forty-five, and until the End of
‘ the then next Session of Parliament; and it is expedient
‘ that the said recited Act of the Second and Third Years
‘ of the Reign of Her present Majesty should be further
‘ continued and amended as herein-after provided:’ Be it
therefore enacted by the Queen’s most Excellent Majesty, by
and with the Advice and Consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assem-
bled, and by the Authority of the same, That the said recited
Act of the Second and Third Years of the Reign of Her pre-
sent Majesty shall be and continue in full Force and Effect from
the passing of this Act, for the further Period of Two Years,
and until the End of the then next Session of Parliament.

Recited Act of
2 & 3 Vict. to
continue in force
for a further
Period of Two
Years.

II. And be it enacted, That if Information upon Oath shall
be given to any Justice of the Peace in *Ireland*, that there is
Cause for believing that any Society or Societies within the
Meaning of the said recited Acts or any of them is or are
held, or is or are about to be held, or that any Persons are
met or assembled, or are about to meet or assemble, for
treasonable or seditious Purposes or Objects, or for the Discus-
sion of treasonable or seditious Purposes or Objects, in any
House, Room, Building, or any other Place whatsoever, it shall
be lawful for such Justice to issue his Warrant to any County
Inspector, Sub-Inspector, or Head Constable, authorizing and
empowering him to enter any such House, Room, Building, or
other Place, and to stay or remain in such House, Room, Build-
ing, or other Place, for so long a Time as such County Inspector,
Sub-Inspector, or Head Constable may think fit, and to seize all
Books, Papers, and Writings which shall appear to such County
Inspector, Sub-Inspector, or Head Constable to be or to afford
Evidence of the holding or of the Existence of any such Society
or Societies, or of any treasonable or seditious Purposes or
Objects, and all Arms and Ammunition of every Description
whatsoever, that may be found in such House, Room, Building,
or other Place, and to search all Parts of such House, Room,
Building, or other Place for the Purpose of discovering the
same; and thereupon it shall be lawful for such County In-
spector, Sub-Inspector, or Head Constable, with such Constables
and other Persons as he shall deem necessary for that Purpose,
to enter such House, Room, Building, or other Place, and, if
need be, to use Force for that Purpose, whether by breaking
open Doors or otherwise, and to remain with such Constables
and other Persons as aforesaid, in such House, Room, Building,
or other Place for so long a Time as such County Inspector,
Sub-Inspector, or Head Constable shall think fit, and to seize
all

Constables with
Warrant may
enter and search
Houses, and
seize Papers and
Arms, &c.

all such Books, Papers, and Writings, and all Arms and Ammunition of every Description whatsoever, that may be found in such House, Room, Building, or other Place, and to search all Parts of such House, Room, Building, or other Place for the Purpose of discovering the same.

Duration of
Act.

III. And be it enacted, That this Act shall continue in force from the passing thereof for Two Years, and until the End of the then next Session of Parliament.

CAP. XC.

An Act to regulate the Times of Payment of Rates and Taxes by Parliamentary Electors.

[31st August 1848.]

Time at which
Rates and Taxes
must be paid to
entitle Parties
to be on the
List of Voters
for Members of
Parliament.

‘ WHEREAS it is expedient to make further Regulation
‘ as to the Payment of Rates and Taxes now necessary
‘ to be made in order to qualify Persons to be registered as
‘ Voters in the Election of Members of Parliament:’ Be it
enacted by the Queen’s most Excellent Majesty, by and with
the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by
the Authority of the same, That after the First Day of *January*
One thousand eight hundred and forty-nine no Person shall be
required, in order to entitle him to have his Name inserted in
any List of Voters for any City, Town, or Borough in *Eng-
land*, to have paid any Poor’s Rates or Assessed Taxes, except
such as shall have become payable from him previously to
the Fifth Day of *January* in the same Year; and that no Person
shall be entitled to be on any such List of Voters, unless the
Poor’s Rates and Assessed Taxes payable from him previously
to the Fifth Day of *January* shall be paid on or before the
Twentieth Day of *July* next following.

CAP. XCI.

An Act to make Provision for the Payment of Parish Debts, the Audit of Parochial and Union Accounts, and the Allowance of certain Charges therein.

[31st August 1848.]

If Overseers
contract Debts
within Three
Months of Ter-
mination of
their Year of

‘ WHEREAS it is expedient to make some Provisions as
‘ to the Payment in certain Cases of Debts incurred
‘ by the Overseers of the Poor in Parishes after their Year of
‘ Office has expired:’ Be it therefore enacted by the Queen’s
most Excellent Majesty, by and with the Advice and Con-
sent of the Lords Spiritual and Temporal, and Commons, in
this present Parliament assembled, and by the Authority of the
same, That if the Overseers of the Poor in any Parish shall
lawfully, by virtue of their Office, contract any Debt on account
of the Parish within Three Months prior to the Termination of
their Year of Office, and the same shall not have been discharged
by them before their Year of Office shall have determined, such
Debt

Debt shall be payable by and recoverable from their immediate Successors in Office, and chargeable upon the Poor Rate of the said Parish, in like Manner as the same would have been payable and chargeable by such first-mentioned Overseers during their Year of Office; and if any such Debt shall have been contracted during their Year of Office, but more than Three Months prior to its Termination, the same shall be payable by and recoverable from their immediate Successors in Office, if the Rate-payers of the Parish in Vestry assembled, and the Commissioners for administering the Laws for Relief of the Poor in *England*, shall consent, but not otherwise.

Office, their immediate Successors shall discharge the same.

II. Provided nevertheless, and be it enacted, That where any Proceedings have been commenced or shall be hereafter carried on, for or on behalf of any Parish, in a Court of Law, regarding any Matter affecting the Poor Rates of such Parish, it shall not be necessary that the Bill of Costs of the Solicitor or Attorney engaged therein shall be paid before the Termination of the Proceedings, but in any such Case the Amount of the Bill, when duly taxed, if otherwise chargeable against the Parish, shall be payable out of the Poor Rates within the Space of One Year next following the Termination of the Proceedings, but not afterwards, unless the Commissioners aforesaid shall by their Order authorize the Payment of the Costs and Expenses attending any such Proceedings by annual Instalments not exceeding Five, to commence from such Termination.

Provision for Payment of Bills of Costs for legal Proceedings.

III. ' And whereas in many Cases Sums of Money expended by Officers or other Persons on behalf or for the Benefit of Unions and Parishes, without legal Authority, have not been allowed by the Auditors, though the Guardians of the Unions and the Rate-payers of the Parishes interested have been willing and desirous that such Sums should be paid out of the Funds of those Unions or Parishes respectively, and great Loss, in consequence of such Sums not being allowed, has been sustained by Individuals; and it is desirable that Power should be given for the Relief of such Persons, under certain Circumstances: ' Be it therefore enacted, That if any Person, since the passing of the Act of the Fifth Year of the Reign of His late Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales*, and before the passing of this Act, have advanced or expended Money on behalf and for the Benefit of any Union or Parish, without having had due legal Authority for such Advance or Expenditure, and the same shall not have been allowed in the Accounts of the Union or of the Parish on behalf of which it has been expended or advanced, and the major Part of the Guardians of such Union or Parish, or the Rate-payers of such Parish in Vestry assembled, as the Case may be, shall express their Consent to the Reimbursement of such Sum of Money out of the Funds of the Union or Parish so interested, the Commissioners aforesaid may, if they think fit, by their Order authorize the Reimbursement of such Sum of Money by the Guardians of the Union or Parish, or the Overseers of the Parish,

Parties who have advanced Money on behalf of Unions and Parishes to be reimbursed.

4 & 5 W. 4. c. 76.

Parish, as the Case may require, in such Manner as the said Commissioners shall deem most advisable, so however that if the same be not repaid at once it shall be repaid by equal annual Instalments not exceeding Five; and all Payments subsequently made in conformity with such Order, but not otherwise, shall be allowed by the Auditor in the Accounts of the Guardians, Overseers, or other Officers who shall make the Payment in obedience to such Order: Provided always, that nothing herein contained shall apply to authorize the Repayment of any Sum of Money which has been paid on any other Account than that of the Relief of the Poor, or in respect of some Matter chargeable upon or connected with the Poor Rate.

Appeal against Disallowances and Surcharges may be determined by the Poor Law Board on the Merits, and such Disallowances, &c. may be remitted in certain Cases.

IV. And be it enacted, That where any Appeal shall be made to the said Commissioners against any Allowance, Disallowance, or Surcharge made by any Auditor in the Accounts of any Guardians, Overseers, or their Officers, it shall be lawful for the said Commissioners to decide the same according to the Merits of the Case; and if they shall find that any Disallowance or Surcharge shall have been or shall be lawfully made, but that the Subject Matter thereof was incurred under such Circumstances as make it fair and equitable that the Disallowance or Surcharge should be remitted, they may, by an Order under their Seal, direct that the same shall be remitted upon Payment of the Costs, if any, which may have been incurred by the Auditor or other competent Authority in the enforcing of such Disallowance or Surcharge.

Mode of certifying as to Balances to Officers.

V. ' And whereas Doubts exist as to the Powers and Duties of Auditors in certifying the Sums due from the Overseers and other Officers, and it is desirable to remove such Doubts: ' Be it therefore enacted, That where any Overseer or Officer shall be continuing in Office at the Time when the Accounts are audited, the Auditor shall certify as due such Sums of Money only as shall be disallowed or surcharged by him in the Accounts so audited; but where the Term of Office of such Overseer or Officer shall have expired at the Time when the Accounts are audited, he shall ascertain the Balance which he shall find to be then due on the Accounts so audited, together with the Sums (if any) which he shall have disallowed or surcharged, and shall give Credit for all Sums which shall be proved before him to have been paid in respect of such Balance to the succeeding Overseers or Officers, or otherwise lawfully applied on behalf of the Parish or Union interested therein, before the Date of his Audit, and he shall certify, report, and recover, in the Manner provided by Law, the Balance remaining due after such Credit shall have been given; and every Certificate made by any Auditor, if made according to the Forms set forth in the Schedule hereunto annexed, or to the like Effect, shall be deemed to be sufficient: Provided always, that where the Sum, or the Aggregate of the Sums, disallowed by the Auditor in the Account of any Officer, shall not amount to Forty Shillings, the same may be paid over with the Balance due from such Officer, instead of being paid to the Treasurer.

VJ. And

VI. And be it enacted, That where any Money shall have been paid by an Overseer to a Constable, Headborough, Tithingman, or other Peace Officer, in obedience to any Authority in Writing purporting to be an Order of a Justice made according to the Provision of the Act passed in the Eighteenth Year of the Reign of His late Majesty *George* the Third, for the Payment of the Charges of Constables in certain Cases, or an Order of Justices in Petty Sessions assembled, purporting to be made in conformity with the Provisions contained in the Act of the Sixth Year of the Reign of Her present Majesty, for the Appointment and Payment of Parish Constables, it shall not be disallowed by any Auditor or other Authority competent to examine, allow, and disallow the Accounts of Overseers, on any Ground whatsoever.

Sums paid by Overseers to Constables, &c. by Order of Justices under 18 G. 3. c. 19. or 5 & 6 Vict. c. 109. not to be disallowed by Auditors.

VII. And be it enacted, That, in addition to the Notices now required by Law to be given by the Auditor, he shall also give Notice by Advertisement in some Newspaper circulating in the County wherein the Union or the greater Part of it, or, in the Case of a Parish not comprised in a Union, wherein such Parish shall be situated, a reasonable Time prior to the holding of his Audit; and the Production of a Copy of such Newspaper shall in all Courts and for all Purposes be deemed sufficient Evidence of the Notice of the Audit; and, except where a Party, not being an Officer bound to account to the Auditor, shall be surcharged by such Auditor, it shall not be necessary to prove that the Audit of any Accounts was adjourned, and that Notice of any such adjourned Audit was given.

Notice of Audit to be advertised.

VIII. And be it enacted, That if an Auditor shall see Cause to surcharge any Person now liable by Law to be surcharged by him, and to whom no Notice is now required by Law to be given, with any Sum of Money in reference to any Payment considered by him to have been illegally or improperly made, he shall, if the Person be not present at such Audit, cause Notice in Writing of his Intention to make such Surcharge to be given, by Post or otherwise, to Person the against whom he shall propose to make this Surcharge, addressed to him at his last known Place of Abode, and shall adjourn the Audit, so far as it shall relate to such particular Matter, for a sufficient Time to allow of such Person appearing before him, and showing Cause against such Surcharge, and at such Time the said Auditor shall hear the Party, if present, and determine according to the Law and Justice of the Case.

As to Proceedings necessary to be taken against Persons now liable to be surcharged by Auditor, and to whom no Notice is required to be given.

IX. And be it enacted, That in any Proceedings to be taken by an Auditor, or by his Attorney, before Justices, to recover Sums certified by him to be due, it shall be sufficient for him to produce a Certificate of his Appointment under the Seal of the Poor Law Commissioners, or of the Commissioners aforesaid, and to state and prove that the Audit was held, that the Certificate was made in the Book of Account of the Union or Parish to which the same relates, and that the Sum certified to be due had not been paid to the Treasurer of the Guardians of the Union or of the Parish, as the Case may require, within

What shall be required to be proved by Auditors in order to recover Sums certified by them to be due.

Seven Days after the same had been so certified, nor within Three clear Days before the laying of the Information, of which Nonpayment a Certificate in Writing purporting to be signed by the Treasurer shall be sufficient Proof on the Part of the Auditor; and if at the hearing of such Information it shall be proved that the said Sum had been paid to the Treasurer subsequently to the Date of such last-mentioned Certificate, the Costs incurred by such Auditor shall be paid by the Party against whom the Information shall be laid, unless he prove that Notice of such Payment had been given to the Auditor Twenty-four Hours at least prior to the laying of the Information.

Auditor may, upon Cause being shown, appoint a Deputy.

X. And be it enacted, That the said Commissioners may at any Time, upon sufficient Cause being shown to them, authorize any Person, selected by the Auditor, to act temporarily as his Deputy, and shall communicate to the several Unions and Places forming his District the Name of the Person so appointed to act as his Deputy, and such Person shall thereupon be empowered to act in all respects, and with the same Authorities, and subject to the same Duties and Liabilities, as the Auditor himself is entitled or subject to.

Power for Parishes, with Consent of Vestries, mutually to bear the Costs of several Appeals involving the same common Principle.

XI. And be it enacted, That where Appeals are brought at the same Time against the Poor Rates of several Parishes, which may appear to involve some common Principle, it shall be lawful for the Overseers or other Authorities therein, with the Consent of the respective Vestries of such Parishes, to enter into an Agreement, to be approved of by the said Commissioners, mutually to bear the Costs which may be properly incurred in and about the Trial of such Appeals on the Part of the several Respondents, as well as Costs of the Appellants, if any, which may be awarded against the Respondents, in such Proportions as shall be fixed and determined with reference to the Amount of Interest of the several Parishes in the Question, or otherwise as shall appear just; and the said Agreement shall continue binding upon the several Parishes and their respective Overseers in succession until the several Appeals shall have been finally determined.

Power for Guardians of Parishes, &c. under Local Acts to grant Out-door Relief, in the same Manner as in Unions formed under 4 & 5 W. 4. c. 76.

XII. ' And whereas in certain Parishes and Unions wherein the Relief of the Poor is administered by Guardians or other competent Authorities under the Provisions of particular Statutes or Local Acts applicable thereto Doubts have been entertained whether any poor Person can be relieved by such Guardians or other Authorities out of the Workhouses belonging to such Parishes and Unions respectively, and it is expedient to remove such Doubts, and to give Authority for such Relief out of the Workhouse: ' Be it enacted, That in all Cases where the Relief of the Poor is administered in any Parish or Union under the Provisions of any Local Act it shall be lawful for the Guardians or other competent Authority administering the Relief to the Poor in any such Parish or Union, if they think fit, to administer such Relief in all respects in like Manner and with the like Powers and Authorities as any Board of Guardians of a Union formed under the Provisions of the

the Act passed in the Fifth Year of the Reign of His late Majesty, aforesaid, is now or shall hereafter be authorized to do; and all Relief heretofore granted by such Guardians or other Authority shall, if otherwise lawfully granted, be held lawful for all Purposes, although the same shall have been granted out of the Workhouse of such Parish or Union, as the Case may be, and the Costs and Charges thereof shall not be disallowed by any Auditor, Justice, or other competent Authority in that Behalf, on the Ground that the same was granted out of the Workhouse: Provided always, that the Cost of all such Relief so given or to be given shall be charged among the Parishes in the same Union in like Manner and in like Proportion as the Relief heretofore or hereafter to be given in the Workhouse of such Parish or Union is now or shall hereafter be chargeable.

XIII. And be it enacted, That the several Words used in this Act shall be construed in the Manner prescribed by the said herein-before recited Act, and the Acts explaining and extending it. Interpretation
of Act.

SCHEDULE to which this Act refers.

FORMS OF CERTIFICATES.

1.—Against an accounting Officer.

I do hereby certify, That in the Account of *A.B.*, the [set
out the Name of the Office] of the Parish of [or of
the Union], I have disallowed [or surcharged] the
Sum of

As witness my Hand, this Day of 1848.

M.N., Auditor of the

District, which comprises the above-
named Parish or Union.

2.—Against a Person not an accounting Officer.

I do hereby certify, That in the Accounts of the
Union [or of the Parish of] I have disallowed
the Sum of £ as a Payment illegally made out of
the Funds of such Union [or Parish], and I find that *C.D.* of
 authorized the making of such illegal Payment,
and I do hereby surcharge the said *C.D.* with the same.

As witness my Hand, this Day of 1848.

M.N., Auditor of the

District, which comprises the above-
named Union or Parish.

CAP. XCII.

An Act for the Protection and Improvement of the
Salmon, Trout, and other Inland Fisheries of
Ireland. [31st August 1848.]

WHEREAS an Act was passed in the Session of Parlia-
ment holden in the Fifth and Sixth Years of the Reign

5 & 6 Vict. c. 106.

Commissioners
of Public Works
in Ireland to be
Commissioners
for the Purposes
of this Act.

Recited Acts
and this Act
construed as
One Act.

Two existing
Inspectors of
Fisheries to be
Inspecting
Commissioners.

‘ of Her present Majesty, intituled *An Act to regulate the Irish Fisheries* : And whereas the same was amended by an Act of the Seventh and Eighth Years of the Reign of Her said Majesty, and further amended by an Act of the Eighth and Ninth Years and by an Act of the Ninth and Tenth Years of Her said Majesty : And whereas by reason of the Want of Co-operation among the several Parties exercising the Rights of Salmon and Trout Fishing, and the Extent of the common or public Rights of such Fishing on the Sea Coast and in the Estuaries and Rivers of *Ireland*, and the varied and conflicting Interests involved therein, Measures have not been taken for the due Protection of these Fisheries, and the Enforcement of the Law in respect of the same ; and it is expedient, with a view to the Increase and Improvement of the said Fisheries, to make Provision for more effectually carrying out the Provisions of the said Acts : And whereas it is expedient that Funds should be provided for defraying the Cost of such additional Protection, and it is just and right that the same should be levied from the Persons for the Time being using any Engine or Device whatsoever for the Capture of such Fish :’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners of Public Works in *Ireland*, as Commissioners of Fisheries, together with the Inspecting Commissioners of Fisheries herein-after mentioned, shall be Commissioners for the Execution of this Act, and shall for the Purposes of this Act and the said recited Acts have and use all the Powers, Privileges, and Authorities vested in the Commissioners for the Execution of the said Acts ; and the said recited Acts and this Act shall be construed together as One Act.

II. And be it enacted, That from and after the passing of this Act the Two existing Inspectors of Fisheries appointed under the Provisions of the said recited Acts shall be denominated and shall, during the Pleasure of the Commissioners of Her Majesty’s Treasury, be Inspecting Commissioners of Fisheries, and shall be associated with the Commissioners of Public Works in *Ireland* for the Time being, and with them be Commissioners for the Execution of the said recited Acts and this Act ; and in the Case of any Vacancy in the Office of the said Inspecting Commissioners, or either of them, by Death, Resignation, or Dismissal, it shall be lawful for the Commissioners of Her Majesty’s Treasury from Time to Time to appoint, during their Pleasure, in the Room of each such Inspecting Commissioner so dying, resigning, or being dismissed, another Inspecting Commissioner of Fisheries, who shall be associated with the said Commissioners of Public Works in like Manner ; and the said Commissioners of Her Majesty’s Treasury shall be empowered from Time to Time to fix such Salaries for any such Inspecting Commissioners as they shall think fit ; and such Inspecting Commissioners of Fisheries shall and may, for the Purposes of the

the said recited Acts and this Act, have, use, and exercise all and every the like Powers and Authorities and have like Privileges as are by the said recited Acts or any of them vested in or given to the said Commissioners of Public Works, or any of them, as Commissioners of Fisheries; and all and every the Powers and Authorities in and by the said recited Acts and this Act given to or vested in the said Commissioners of Public Works, or which under the Provisions of this Act may be used by or be vested in such Inspecting Commissioners of Fisheries, may be exercised by the said Commissioners of Public Works, or by such Inspecting Commissioners of Fisheries, or by any one or more of them.

III. And be it enacted, That the said Commissioners for the Execution of this Act shall, before the End of this present Year, or at any Time afterwards, as they may find it expedient, divide *Ireland* and the Sea Coast and Islands thereof into Districts for the Purposes of this Act, and shall cause the said Districts to be defined and described by suitable Notices and Maps to be published for that Purpose; and each such District shall be so formed as to embrace One or more River or Rivers, or Lake or Lakes, with the Tributaries thereof, which are frequented by Salmon, Trout, or Pollen, or Fish of the Salmon Kind, or Eals, together with such Portions of the Sea Coast and Islands adjacent thereto as shall be described by such Maps; and the said Commissioners shall subdivide each such District into Two or more Electoral Divisions, to be called the Upper or Fresh Water and Lower or Tidal Electoral Divisions of such Districts, and upon the Maps aforesaid the said Commissioners shall cause to be delineated the Limits and Boundaries of such Electoral Divisions as aforesaid; and it shall be lawful for the said Commissioners from Time to Time, if it shall appear to them expedient or necessary so to do, to alter any such District or Electoral Division and fix other Boundaries for the same, duly publishing and describing the same as herein-before provided.

Commissioners for executing this Act to divide Ireland into Districts for the Purposes of this Act.

IV. And be it enacted, That for each such District as aforesaid Conservators of Fisheries shall be annually elected and appointed as herein-after provided.

Conservators of Fisheries to be annually elected.

V. And be it enacted, That the said Commissioners shall be authorized and empowered to determine and declare the Number of Conservators, not less than Three nor more than Nine, which shall be elected and returned from each such Electoral Division to represent the same, and the Persons so to be returned for each Electoral Division shall be the elected Conservators of Fisheries for the District until the next annual Election.

Commissioners to prescribe Number of Conservators to be elected from each Electoral Division.

VI. And be it enacted, That if in any District One or more Persons shall possess a several or exclusive Fishery or Fisheries therein, as Owner, Lessee, or Occupier, valued under the Acts for the more effectual Relief of the destitute Poor in *Ireland* at One hundred Pounds yearly or upwards, he or they shall be entitled to sit with the elected Conservators for such District,

Owners of several Fisheries of a certain Value to be Conservators in like Manner as elected Conservators.

and shall be deemed *ex officio* a Conservator or Conservators for the same, so long as he or they shall possess such Fishery or Fisheries, and shall have a Vote in all Matters, and shall have all the Powers and Privileges under this Act which the said elected Conservators may individually possess: Provided always, that where a Fishery so rated shall be held by several Persons as Owners, Lessees, or Occupiers, One Person alone shall sit and act as a Conservator as aforesaid in respect of such Fishery.

Elected Conservators to be chosen by the Persons paying Licence.

VII. And be it enacted, That the elected Conservators shall be elected annually by the Persons who shall have paid Licence Duty and been licensed within each Electoral Division of a District, in the current Year, under the Provisions of this Act, in the Manner herein-after mentioned.

All Engines, Nets, &c. for Salmon and Trout Fishing, &c. to be licensed and pay an annual Duty.

VIII. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and forty-nine, all Engines, Nets, Instruments, or Devices whatsoever used for the taking of Salmon, Trout, Pollen, or Fish of the Salmon and Trout Kind, or for the taking of Eels, and all fixed Salmon, Trout, or Eel Fisheries within any District, or on or off the Sea Coast thereof, shall, except as herein-after provided, before the same be used in the said Year or any subsequent Year, be duly licensed and rated in the Manner herein-after prescribed, upon Payment of the Licence Duty or Rate, as the Case may be, herein-after provided.

Persons who have paid Licence Duty entitled to vote for Conservators.

IX. And be it enacted, That every Person who shall have paid Licence Duty under this Act, within and for any such Electoral Division within any Year, shall be entitled to vote at the Election of the Conservators to be chosen for such Division held for such current Year, either in Person or by Proxy, according to such Regulations and Forms for the Election as shall be fixed and directed by the Commissioners before mentioned, such Proxy being a qualified Elector, and shall be entitled to have a Vote or Votes thereat according to the following Scale; (that is to say,) if the Licence Duty so paid by such Person shall not amount to Two Pounds, One Vote; if the same shall amount to Two Pounds, and not to Five Pounds, Two Votes; and if the same shall amount to Five Pounds, and not to Ten Pounds, Three Votes; and if the same shall exceed Ten Pounds, Four Votes.

Votes to be cumulative.

Commissioners for Purposes of first Elections to fix and publish the Scale of Licence Duties and Rates for each District.

X. And be it enacted, That, for the Purposes of the First Meetings in each and every Electoral Division under this Act for the Election of Conservators as aforesaid, the said Commissioners shall fix and determine the Scale of Licence Duties and Rates to be paid as aforesaid in respect of all Engines, Nets, Instruments, or Devices whatsoever used for the taking of Salmon, Trout, Pollen, or Fish of the Salmon or Trout Kind, and for the taking of Eels, and for all fixed Salmon, Trout, or Eel Fisheries within each District, or on or off the Sea Coast thereof, and shall give public Notice of the same within each Electoral Division, and such Scale of Licence Duties and Rates shall remain in force until the same shall be altered under the Provisions of this Act: Provided always, that such Licence Duties

Duties and Rates respectively shall not exceed the Amount of the respective Licence Duties and Rates specified in the Schedule to this Act annexed.

XI. And be it enacted, That the said Commissioners shall appoint the Places and Times at which all Persons who shall have paid the Licence Duty as herein provided in each Electoral Division of each District for the Year One thousand eight hundred and forty-nine shall assemble in the Month of *July* in that Year, the Commissioners giving Two Weeks Notice thereof by Hand-bills and Advertisements in Two or more Newspapers circulating in such District; and all Persons who shall have paid any such Licence Duty for such Year within such Electoral Division shall be entitled to vote at such respective Meeting, and shall choose a Chairman to preside thereat: Provided always, that it shall be lawful for the said Commissioners, or any One or more of them, to attend and preside at any such first Meeting, instead of such Chairman.

First Meetings of Persons paying Licence Duty for the Election of Conservators to be called by Commissioners.

Commissioners may attend and preside.

XII. And be it enacted, That the Persons so assembled in each Electoral Division at such first Meetings, and at all annual Meetings for such Elections, and who shall be qualified to vote under this Act, shall have Power to elect the appointed Number of Persons as herein provided to represent them as Conservators of the Fisheries for the ensuing Year; and it shall and may be lawful for the Chairman as aforesaid, or the said Commissioners, as the Case may be, to receive the Votes of the Persons so assembled as aforesaid, and to declare the Persons who shall have received the greater Number of Votes to be the elected Conservators as aforesaid; and the Chairman of such Meeting, or the said Commissioners, as the Case may be, shall certify under his or their Hand the Election of each Conservator, and furnish him with a Certificate, which shall be sufficient Authority for him to act as such Conservator as herein provided, and shall also within Four Days after such Election cause a List of such Conservators, with a Statement of the Residence and Post Town of each, to be transmitted to the Office of the said Commissioners; and the Persons so elected for each Electoral Division of a District shall conjointly form, with any such *ex-officio* Conservators as aforesaid, a Board of Conservators of Fisheries for such District, until the Formation of a new Board in like Manner in the ensuing Year, and so in like Manner in each succeeding Year.

Persons assembled at such first Meetings and at future annual Meetings to elect Conservators of Fisheries for the Year.

XIII. And be it enacted, That after the first Board of Conservators of Fisheries for any District shall have been formed, the Board of Conservators for each such District shall be and are hereby empowered, from Time to Time as they shall think fit, to fix and determine, subject to the Approval of the Commissioners, the Amount of Licence Duty to be paid for each Year after the Year One thousand eight hundred and forty-nine for every Engine, Net, Instrument, Weir, or Device set forth in the Schedule to this Act, used for the taking of Salmon, Trout, Pollen, or Fish of the Salmon Kind, and for the taking of Eels, within each such District, or on or off the Sea Coast thereof,

Power to Boards of Conservators, after the Year 1849, to alter and fix, subject to Approval of Commissioners, the Licence Duty and Rates.

thereof, and for every Engine, Net, Instrument, Weir, or Device for any such Purpose which may be proposed to be used, and which is not enumerated in the said Schedule; and the Board of Conservators are hereby also empowered to fix and determine, subject to the Approval of the Commissioners from Time to Time, the Rate *per Centum* to be paid for each Year after the Year One thousand eight hundred and forty-nine, upon the Poor Law Valuation, in the Cases of fixed and established Salmon, Trout, or Eel Fisheries, which are designated Several Fisheries, as herein-before mentioned, within each District, or on or off the Sea Coast thereof: Provided always, that no Licence Duty or Rate to be fixed by the said Conservators shall exceed the respective Amount of Duty specified in the said Schedule, or the Rate of Ten *per Centum* on the Poor Law Valuation of established or Several Fisheries; and that any Alteration in the same so to be made shall commence and have effect on and from the First Day of *January* in the then succeeding Year.

Board of Conservators, when constituted, to fix Times and Places of Meetings.

XIV. And be it enacted, That the Board of Conservators of each District shall from Time to Time fix and determine and duly publish Notice of the Times and Places for the General Meetings of such Board, and also the Times and Places for the then next Annual Meetings of Electors in each Electoral Division for the Election of Conservators for the same.

In case of Failure of any Electoral Divisions to elect, the Conservators of other Divisions shall act for the District.

XV. And be it enacted, That if the Persons entitled to meet and elect such Representatives or Conservators in any One or more Electoral Division or Divisions of a District shall fail or neglect for any Year so to do, the Representatives or Conservators of any other One or more Electoral Division or Divisions of such District for which Conservators shall have been elected shall be empowered, nevertheless, to act in all Matters and Things relating to such District under the Provisions of this Act.

On Failure of Election of any Conservators, the former Board to act.

XVI. And be it enacted, That if no One Electoral Division in a District shall in any Year elect Conservators as aforesaid, it shall be lawful for the previously existing Board of Conservators for such District to continue to act as, and to all Intents and Purposes they shall be, Conservators for such District for that Year.

Quorum of Boards of Conservators.

XVII. And be it enacted, That for the Purposes of this Act, at all District Meetings of the Board of Conservators, Three of the Persons entitled and empowered to act and vote thereat, as herein-before provided, shall form a Quorum, and all Matters and Things shall be determined and decided by the Majority of such Persons so assembled; and if on any Matters upon which a Difference may arise the Votes shall be equal, the Chairman shall, in addition to his original Vote, be entitled to give a casting Vote.

Chairman to have a casting Vote.

How Meetings of Board of Conservators are to be called.

XVIII. And be it enacted, That it shall and may be lawful for any such Board of Conservators assembled at a District Meeting to fix Time and Place for holding a General Annual Meeting, and hold adjourned Meetings; and it shall be lawful for

for any Three Conservators from Time to Time to call Special Meetings, provided that Notice of the Place and Time of each such Special Meeting, subscribed by Three or more Conservators, or by the Clerk of the Board, on their Requisition to him, shall be inserted at least Twice in some Two Newspapers circulating in the County or Counties in which such District shall be situate, at least Ten Days before such Meeting shall be held, or that the Clerk of such Board shall, on such Requisition as aforesaid, give Ten Days Notice in Writing of such Meetings to each Conservator entitled to act within such District.

XIX. And be it enacted, That it shall and may be lawful for the Board of Conservators for each such District, at the Annual General Meeting or some other Meeting specially appointed by them before the First Day of *October* in the Year One thousand eight hundred and forty-nine, and in each subsequent Year, at any Time when it may be necessary or expedient, to nominate and appoint a Clerk or Clerks, with reasonable Salary or Salaries, as the said Board may think necessary, and to appoint some Bank to act as Treasurer or Treasurers of such Board, and also to appoint as many Inspectors and Water Bailiffs as may be necessary, with reasonable Salaries, but only to the Extent which the Funds at their Disposal will admit of, for the Protection of the Fisheries in the District, and for generally enforcing the Fishery Laws within the same: Provided always, that no elected or other Conservator shall be eligible to hold any Appointment under this Act from which any Salary or Emolument shall be derived; and it shall be lawful for the Board of Conservators from Time to Time to remove any such Clerks, Inspectors, or Water Bailiffs, and to nominate others in their Stead.

Board of Conservators at the Annual Meetings to nominate Treasurer, Clerk, Inspectors, and Water Bailiffs.

XX. And be it enacted, That the Board of Conservators of any District shall be and are hereby empowered to apply from Time to Time any Portion of the Funds in the Hands of the Treasurers to the Credit of such District which they may think fit, for the Purpose of making Passes in or over Weirs, or removing or making Passes in or over natural Obstructions in any River in such District, subject to the Sanction of the said Commissioners, under the Provisions of the said recited Act of the Fifth and Sixth Years of Her Majesty's Reign; and upon obtaining the Sanction of the said Commissioners it shall be lawful for the said Board of Conservators to place to the Credit of the said Commissioners such Sum of Money as shall have been for that Purpose approved and sanctioned by them, and it shall be lawful for the said Commissioners thereupon, as they shall think fit, to construct such Works and make such Alterations in the Bed of any River as shall effectually secure a free and uninterrupted Passage for Fish, or to direct and cause such Alterations to be made in any Weir, Dam, or Dyke erected in or across any River frequented by Salmon, for affording a free and uninterrupted Passage for Fish, pursuant to the Powers and

Conservators may apply Funds of District towards providing Passes for Fish through natural and artificial Obstructions.

and Provisions of the said recited Act of the Fifth and Sixth Years of Her Majesty's Reign.

For Engines, Nets, &c. not enumerated in Schedule, Licences, before the Formation of Boards, to be fixed by Commissioners, afterwards by the Board of Conservators.

XXI. And be it enacted, That for any Engine, Instrument, Net, Weir, or Device whatsoever not enumerated in the Schedule to this Act, and which may be proposed to be used for fishing for Salmon, Trout, Pollen or Fish of the Salmon or Trout Kind, or for Eels, it shall be lawful for the said Commissioners at any Time before a Board of Conservators shall be formed, and after the Formation of such Board it shall be lawful for such Board of Conservators for the District, as the Case may be, to fix and determine the Licence Duty on Payment of which the same may be used in such District, regard being had, as far as practicable, to the relative Capability of Capture and Productiveness of the same, as compared with those set forth in the said Schedule, and the relative Proportion of the Duties therein set forth: Provided always, that the Party proposing to use any such Engine, Instrument, Net, Weir, or Device not enumerated in such Schedule shall previously give Notice to some Constabulary or Coast Guard Officer of the District, or to some Inspector appointed under this Act, of his Intention to use the same, who shall and is hereby required to forward to the said Commissioners or the said Conservators, as the Case may be, a Description thereof, as to its relative Capability of Capture as compared with the Engines, Instruments, Nets, Weirs, or Devices set forth in the said Schedule, and shall furnish the Name by which it shall be designated, upon which the Commissioners or the said Conservators, as the Case may be, may authorize the Use of the same, upon Payment of the Licence Duty which they may fix, and cause the same to be inserted in the Schedule of Licences for the said District: Provided always, that Rods used singly for taking Trout, Perch, Pike, or other Fish, save and except Salmon, shall not be subject to any Licence Duty under this Act: Provided also, that if any Person using a Rod shall, under Pretence or otherwise of fishing for Trout, Perch, Pike, or other Fish, take or kill Salmon with such Rod, such Person shall be subject to a Penalty of the like Amount as the Licence Duty for the Time being payable for a Salmon Rod, and the same shall be recoverable before a Justice or Justices in like Manner as other Penalties under the said recited Acts or this Act: Provided also, that all Cross Lines used with a Rod or Rods for taking Fish of any Kind whatsoever shall be subject to the Licence Duty payable under this Act for the Time being upon Cross Lines and Rods, until the same shall be altered as herein provided.

Saving as to Rods not used for Salmon.

Penalty on using Engines, Nets, &c. without Licence.

XXII. And be it enacted, That if any Person shall use or erect any Engine, Net, Instrument, or Device whatsoever, subjected to Licence Duty as aforesaid, for the taking of Salmon, Trout, Pollen, or Fish of the Salmon or Trout Kind, or Eels, or by any Means fish within any fixed Salmon, Trout, or Eel Fishery in any Year, without the same respectively being duly licensed for such Year under the Provisions of this Act, every such

such Engine, Net, Instrument, and Devices, and such Means of Fishing, shall be forfeited and sold, or otherwise disposed of, as the Justice or Justices shall deem fit, and the entire Proceeds thereof shall be added to the general Funds of the District constituted under this Act in which the same shall be erected or used; and any Person erecting or using the same shall be liable to pay such Penalty, not less than Half nor exceeding the whole of the Licence Duty at which under this Act the Engine, Net, Instrument, or Device he shall have been so using or erecting would for the Time being be subject to under this Act, as such Justice or Justices shall think fit; such Forfeitures and Penalties to be proceeded for and recovered under the Warrant of such Justice or Justices, in the Manner and subject to the Regulations in the said recited Act of the Fifth and Sixth Years of Her present Majesty's Reign provided as to the Recovery of Forfeitures and Penalties thereunder.

Forfeitures to be applied to the Funds of the District.

Recovery of Forfeitures and Penalties.

XXIII. And be it enacted, That in all Cases of fixed and established Salmon, Trout, or Eel Fisheries which under the Provisions of the said first-recited Act are designated "Several Fisheries," or are now or may hereafter be claimed or possessed or used as Several Fisheries, whether the same be fished by means of Weirs extending entirely or partly across Rivers or Estuaries, with Boxes, Baskets, or Cruives, or be fished by means of existing natural or artificial Obstruction stopping the Fish, or by Draft, Pole, Loop, or other Nets, or by Rod and Line, or by any other Means or Device whatsoever, the Persons using, occupying, or holding such Fisheries, whether such Occupation and holding shall be by Lease, Demise, Agreement, or Tenancy at Will, or in Fee Simple, Fee Tail, or for Life, shall in each Year pay as an annual Rate, in Two equal half-yearly Gales, on the First Day of *February* and the First Day of *July* in every Year after the passing of this Act, such Sum, in addition to the Licence Duty by this Act provided to be paid for the Engines, Instruments, Nets, or Devices erected or used in fishing such Fishery, as shall be equal to the Amount of the Difference between the Sums paid by such respective Persons for such Licence Duty or Duties as aforesaid and the annual Sum of Ten *per Centum* upon the Poor Law Valuation of such Fishery, subject to such Alteration of such Per-centage as may from Time to Time be made by the Board of Conservators of the District under the Provisions of this Act.

All Several Fisheries to be subject to an annual Rate according to Valuation.

XXIV. And be it enacted, That any such last-mentioned Rate may be recovered in a summary Way before any One or more Justice or Justices of the Peace, in like Manner as Wages, or by Civil Bill before the Assistant Barrister of the respective County, or by Action in the Superior Courts, at the Suit of the said Commissioners, if no Board of Conservators of the District shall have been formed, or if such Board shall have been formed, then at the Suit of the Clerk of the said Board of Conservators, as the Case may be.

Last-mentioned Rate recoverable before Justices as Wages, or by Civil Bill, or by Action.

XXV. And be it enacted, That in any Cases where any such Fisheries as last aforesaid may not be or have not been valued

Valuation of such Fisheries.

valued by the Persons appointed as Valuers for the Purposes of the Poor Laws in force in *Ireland*, the said Commissioners, on the Application of the Board of Conservators, may and are hereby empowered to call upon the Poor Law Commissioners of *Ireland* to cause the same to be valued separately and distinctly from other Property for the Purposes of this Act.

Collection of
such annual
Rate.

XXVI. And be it enacted, That such last-mentioned Rate shall be collected by such Persons as the said Commissioners for the Execution of this Act, at any Time before the Formation of a Board of Conservators for the District, or after the Formation of such Board, then as the said Board, as the Case may be, shall from Time to Time appoint, adequate Security being taken by the said Commissioners or the said Conservators, as the Case may be, from the Persons authorized to receive the same, for the duly accounting for the same, and for the due Performance of the Duties which the said Commissioners or the said Conservators, as the Case may be, may prescribe for them, and the Cost of any Allowance to be made for the Collection of the same shall be charged to the Expenses of the District for which the same shall be collected.

All Monies
received for Li-
cences, Rates,
Penalties, &c. in
each District to
be lodged in the
Bank, and ap-
plied to defray
the Expenses of
such District
under this Act.

XXVII. And be it enacted, That the total Amount of all Sums of Money received for all Licence Duties and Rates, and from the Sale of forfeited Engines, Nets, or Instruments as aforesaid, and from Penalties (save so much as shall be paid to any Informer as herein-after mentioned) under the Provisions of this Act, shall, until the Appointment of a Treasurer for each respective District as herein provided, be lodged in the Bank of *Ireland*, to the Credit of the said Commissioners, in the Matter of the District for which the same shall have been received, and shall be applied to the Purposes of such respective District as herein provided; and regular Accounts of the Receipts and Disbursements on account of each District shall be kept and furnished by the said Commissioners, until the Appointment of such Treasurer as aforesaid; and upon the Appointment of a Treasurer of each District respectively as herein provided, the Commissioners shall cause the Monies lodged in the Bank of *Ireland* in the Matter of such respective District to be transferred and lodged with all Accounts relating to such District to and with the respective Treasurer of such District, and thenceforth all Sums of Money received for Licence Duties and Rates, and for Forfeitures and Penalties, for each such District, shall be paid over by the Parties receiving the same to and received by such Treasurer of such District, and be applied to the Purposes of such District under the Provisions of this Act; and such Treasurer shall pay such Sums of Money as shall be required for the Purposes of the District from Time to Time upon a Draft or Order signed by the Chairman at any General Meeting of the Board of Conservators and by Two other Conservators.

Form of
Licences, &c.

XXVIII. And be it enacted, That all Licences under this Act shall be prepared and printed in such Form as the said Commissioners shall prescribe or from Time to Time think necessary

necessary to adopt; and a separate Licence shall be issued for each separate Engine, Net, Instrument, or Device for taking Fish, and each Licence issued before the Formation of a Board of Conservators for the District shall be stamped with the Seal of the said Commissioners, and if issued after the Formation of such Board shall be stamped with the Seal of such Board, which Seal shall be provided for such Purpose: Provided always, that the Year for which such Licence shall issue, and a Name, Number, or Letter describing the District and the Electoral Division for the Purposes of this Act in which the Licence shall be used, and the Name of the Engine, Net, Instrument, or Device for which the same shall be issued, shall be printed thereon in clear and legible Characters; and such Licence shall be only good and valid for the Year, District, and Purpose for which the same shall be issued, and for no other; and that any Party using or presenting the same for any other Year, District, or Purpose, or in any Manner altering or fraudulently counterfeiting the same, shall be liable to a Penalty, not less than the whole Amount of the Licence Duty for which the same shall have been issued, or which the Party so misusing or counterfeiting the same would be liable to under this Act, and not exceeding double the Amount of the same, at the Discretion of such Justice or Justices before whom the Offence may be tried.

Penalty for mis-
using or coun-
terfeiting the
same.

XXIX. And be it enacted, That any Person using any such Engine, Net, Instrument, or Device as aforesaid, or having the same erected or in fishing Order, or found with the same in his Possession, in or near any Fishing Place, or going to or returning from Fishing, shall and is hereby required to produce to any of the said Commissioners, or any Officer of the said Commissioners, or any Conservator of the District, or any Inspector, Water Bailiff, or Officers, or Men of the Navy, Coast Guard, or Constabulary, when demanded, the Licence for the same, under and subject to like Penalties (in case of Failure) as in the last preceding Provision mentioned: Provided always, that such Parties as shall to the Satisfaction of the Justices or Justice be proved to have them in possession as Manufacturers or Sellers of the same, and not for the Purposes of using the same within the Year in which such Demand shall be made of them respectively, shall be exempt from any such Penalty.

Penalty on Per-
sons using or
having Engines,
Nets, &c. not
producing Li-
cence when
required.

Parties having
them for Sale,
&c. exempt
from Penalty.

XXX. And be it enacted, That such Licences as aforesaid under this Act shall be publicly sold either by licensed Stamp Distributors, or by such Persons, and in such and so many Places throughout each District, as the said Commissioners before the Formation of a Board of Conservators for the District, or after the Formation of such Board, then as such Board of Conservators, as the Case may be, shall from Time to Time appoint, adequate Security being taken by the said Commissioners or the said Board of Conservators, as the Case may be, from the Persons authorized to sell the same, for duly accounting for the same and for the due Performance of their Duty; and the Cost for any Allowance to be made for the Sale of the same

Licences how
sold.

same shall be charged to the Expenses of the District for which the same shall be issued: Provided always, that if any Person shall have paid a Licence Duty for a Rod within any District as aforesaid, such Person shall not be liable to pay an additional Sum for a Licence in any other District by reason only of angling with a Rod in any other District.

Licences to be sold to all Persons demanding to purchase, but such Licences not to confer Rights not otherwise possessed;

but not to alter Rights of Parties.

Account of Sales of Licences to be furnished.

Security to be given by the Clerk of the Conservators, and Duties to be performed by him and other Officers.

XXXI. And be it enacted, That all Persons whosoever demanding to purchase any such Licences, and tendering to any Person so appointed to distribute the same the Amount of Licence Duty for the Time being to be paid under the Provisions of this Act, shall be entitled to receive the same without any Question or Objection whatsoever arising either from the Time when, the Purpose for which, or the Right in virtue of which, he or they may desire to use such Licence, or on any other Grounds whatsoever: Provided always, that nothing herein contained with reference to the Possession of any such Licence, or the Payment of the Licence Duty or Rates under this Act, shall be construed to give or confer any Right of fishing or of using any Instrument or Device for taking Fish by any Means or in any Place which the Party having or using such Licence would not have possessed if this Act had not been passed, or to alter or affect the Rights of any other Persons.

XXXII. And be it enacted, That all Persons whom the Commissioners or Board of Conservators, as the Case may be, shall appoint to sell Licences as aforesaid, shall furnish to the said Commissioners or Board of Conservators, as the Case may be, an Account of such Sales monthly, or so often as they may require, and shall set forth in such Accounts the Sums received for Licences for each particular Engine, Net, Instrument, or Device, the Names and Residences of the Persons who shall have purchased such Licences as aforesaid, and the District and Electoral Division of such District for which such Licences shall have been obtained.

XXXIII. And be it enacted, That the Board of Conservators of each District shall take sufficient Security from any Clerk whom they may appoint, and any other Officer or Person having the Care or Custody of Money to be received by virtue of this Act, for the due Execution of the Duties of his respective Office, or for duly accounting for such Money, as the said Board of Conservators shall think proper; and such Clerks shall attend the stated and other Meetings of the said Board, and shall, in a proper Book or Books to be provided for that Purpose, enter and keep a true Account of all the Monies to be received by virtue of this Act, and of the Application of the same, and of all the Acts, Proceedings, and Transactions of the said Board, by virtue of and under the Authority of this Act, and shall perform such other Duties as the said Board may direct; and every Conservator shall and may at all convenient Times have Access to and peruse and inspect the same, and each such Board are hereby empowered and required to cause their said Clerk to furnish to the said Commissioners annually, or as often as they may require, an Account of all Monies received
and

and disbursed relating to each such District under the Authority of the Board of Conservators.

XXXIV. And be it enacted, That such Inspectors and Water Bailiffs as shall be appointed under the Provisions of this Act shall have, for the Enforcement of the said recited Acts and this Act, the Powers of Constables, and all the Powers and Authorities conferred on Water Bailiffs, or Officers or Men of the Constabulary Force or Coast Guard, or Navy, under the said recited Acts or any of them.

Powers of Inspectors and Water Bailiffs.

XXXV. And be it enacted, That all Fines, Penalties, and Forfeitures under this Act not herein-before provided for shall be recoverable in like Manner and subject to like Provisions as Penalties and Forfeitures under the Provisions of the said first-recited Act, and One Moiety of every Sum of Money levied as a Fine or Penalty for any Offence under the Provisions of the said recited Acts or this Act (save and except Penalties for Nonpayment of any such Licence Duty as aforesaid) shall be paid to the Informer or Person who shall be the Means of bringing to Justice any Person offending against any of such Provisions, and the other Moiety shall (anything in the said recited Acts to the contrary notwithstanding) be applied to the Purposes of this Act for the District formed under this Act in which such Offence shall have been committed.

How Fines and Penalties under recited Acts and this Act to be recovered and applied.

XXXVI. And be it enacted, That the Appointment of Officers under this Act shall not be subject or liable to the Payment of any Stamp Duty.

Appointment of Officers not subject to Stamp Duty.

XXXVII. Provided always, and be it enacted, That nothing in this Act contained shall be construed to lessen or abridge the Powers conferred by the said recited Acts on the said Commissioners, or on any Inspectors, Water Bailiffs, Officers, and Men of the Navy, Coast Guard, or Constabulary, but the same shall remain and be in full Force and Effect for the Purposes of the said Acts, and for aiding the Officers, Inspectors, and Water Bailiffs to be appointed under this Act for enforcing the Provisions of the said Acts and this Act.

Nothing herein to abridge the Powers of the Commissioners and Officers under recited Acts.

XXXVIII. And be it enacted, That the said Commissioners shall be empowered to attend any Meeting of any Board of Conservators held under the Provisions of this Act, and to advise, consult, and confer with them upon the Regulation, Management, and Improvement of the Fisheries, and shall and may at all convenient Times have Access to and peruse, when they shall think fit, the Books and Accounts kept for the Purposes of any District under this Act.

Commissioners may attend and advise at Meetings of Conservators.

XXXIX. ‘ And whereas by the said recited Act of the Fifth and Sixth Years of Her Majesty’s Reign the said Commissioners are empowered, in manner in the said Act directed, to decide that the Period in the said Act appointed for the Close Time of the Fisheries therein mentioned respectively should cease, and that such other Period as should then be fixed upon by them as the Close Time for any of such Fisheries should be kept and observed in lieu thereof, or to alter, as therein mentioned, the Period within which it should not be

Defining Powers of Commissioners to alter Close Seasons.

‘ lawful

‘ lawful to hang any Coghil or other Nets in the Gaps, Eyes,
 ‘ or Sluices of Eel or other Weirs, or make use of fixed Engines
 ‘ for taking Eels, subject to the Provisions in the said Act
 ‘ contained: And whereas by the said Act of the Ninth and
 ‘ Tenth Years of Her Majesty’s Reign so much of the said
 ‘ first-recited Act as specified the Close Time or Close Season
 ‘ in which no Fish of the Salmon Kind should be taken is
 ‘ repealed, and new Periods for the Close Time as to Fish of
 ‘ the Salmon Kind are by the said Act prescribed and substi-
 ‘ tuted: And whereas Doubts may be entertained whether the
 ‘ Powers of the said Commissioners to alter the Close Time or
 ‘ Close Season as to such Fish of the Salmon Kind as aforesaid,
 ‘ under the Provisions of the said first-recited Act, are still
 ‘ subsisting and unaffected by the Provisions of the said Act of
 ‘ the Ninth and Tenth Years of Her Majesty’s Reign;’ and for
 the Removal of such Doubts, be it enacted, That, notwithstand-
 ing anything in the last-mentioned Act contained, all the
 Powers and Authorities vested in the said Commissioners under
 the said first-recited Act relating to the altering the Close Time
 or Close Season for any such Fisheries in the said Act men-
 tioned, and also for altering any Close Time or Close Season
 for any Estuary or Portion of the Sea Coast, or for any Tide-
 ways, or for any River or Lake above the Tideway or Portion
 thereof where the Tide ebbs and flows, prescribed and esta-
 blished by the said Act of the Ninth and Tenth Years of Her
 Majesty’s Reign, shall be and remain in full Force and Effect,
 and may be used and exercised as to any of such Close Seasons
 in like Manner and subject to like Provisions as directed and
 contained in the said first-recited Act of the Seventh and Eighth
 Years of Her Majesty’s Reign: Provided always, that in case the
 said Commissioners shall decide upon altering any of such Close
 Seasons as aforesaid, such Change or Alteration shall commence
 and take effect at the Expiration of Six Weeks from the Date
 of the Publication of the said Decision in the *Dublin Gazette*,
 anything in the said first-recited Act to the contrary notwith-
 standing.

In case Com-
 missioners alter
 Close Seasons,
 Notice to be
 given of the
 same.

Alteration of
 Close Season
 in certain Rivers
 above Tideways.

XL. ‘ And whereas by the said recited Act of the Ninth and
 ‘ Tenth Years of Her Majesty’s Reign certain Periods are fixed
 ‘ as the Close Times or Close Seasons during which Fish of the
 ‘ Salmon Kind shall not be killed, destroyed, or taken, and,
 ‘ amongst other things, it is provided that (save as therein-after
 ‘ mentioned, and save in the Counties of *Antrim, Tyrone, Done-*
 ‘ *gal, Londonderry, Mayo, Fermanagh, Leitrim, and Sligo,*) no Fish
 ‘ of the Salmon Kind shall be killed, destroyed, or taken by
 ‘ any Person or by any Means whatsoever in or from any Part
 ‘ of any River or Lake above the Tideway, or Portion thereof
 ‘ where the Tide ebbs and flows, at any Time between the
 ‘ Fifteenth Day of *September* in each Year and the last Day of
 ‘ *February* in the Year following, both the said Days inclusive;
 ‘ provided always, that in any such Part of any River or Lake
 ‘ above the Tideway, or Portion thereof where the Tide ebbs
 ‘ or flows, no Fish of the Salmon Kind shall be killed, destroyed,
 ‘ or

‘ or taken between the First and Fourteenth Days of the Month
 ‘ of *September*, both the said Days inclusive, by any Person by
 ‘ means of any Weir, Crib, Cruive, Box, Trap, Draw Net, Haul
 ‘ Net, Fixed Net, or other Net or Device whatsoever, save by
 ‘ Rods and Lines only: And whereas by means of the said
 ‘ Provisions the Open Time for fishing with Rods and Lines
 ‘ in the Portions of Rivers and Lakes above the Tideways is
 ‘ shorter by Fourteen Days than the Open Time for fishing in
 ‘ any Estuary or on the Sea Coast, or in the Tideway of any
 ‘ River or Lake: And whereas it is expedient and equitable to
 ‘ equalize the Periods of Open Time for fishing with Rods and
 ‘ Lines:’ Be it therefore enacted, That from and after the
 passing of this Act, as regards all Parts of *Ireland* and the Sea
 Coast thereof (save the said Eight Counties and the Sea Coast
 thereof herein-before mentioned), the Close Time during which
 it shall not be lawful to kill, destroy, or take Fish of the Salmon
 Kind, in or from any Part of any River or Lake above the
 Tideway with Rods and Lines only, shall be between the
 Twenty-ninth Day of *September* in each Year and the last Day
 of *February* in the Year following, both the said Days inclusive,
 unless and until such Close Time shall be altered by the said
 Commissioners under the Provisions of the said recited Acts
 and this Act as herein-before mentioned.

XLI. And be it enacted, That if any Person or Persons,
 not being authorized by the Owner, Lessee, or Occupier of a
 Several Fishery as defined under the first-recited Act, shall enter
 into or upon such Several Fishery for the Purpose or under
 the Pretence of killing Fish therein or taking Fish therefrom,
 or shall kill Fish therein or take Fish therefrom, he or they shall
 for every such Offence forfeit and pay a Sum not less than Ten
 Shillings nor more than Five Pounds, the same to be recover-
 able in a summary Way before a Justice or Justices, as provided
 by the said first-recited Act of the Fifth and Sixth Years of
 Her Majesty’s Reign.

Penalty for kill-
 ing or taking
 Fish in or from
 Several Fish-
 eries.

XLII. ‘ And whereas by the said recited Act of the Fifth and
 ‘ Sixth Years of Her present Majesty’s Reign, in the Section
 ‘ of the said Act numbered Thirty-six in the Copies thereof
 ‘ printed by the Queen’s Printers, it is provided that the several
 ‘ Persons who shall commit any of the Offences in the said Sec-
 ‘ tion mentioned shall forfeit and pay any Sums not exceeding
 ‘ the several and respective Sums in the said Section mentioned:
 ‘ And whereas it is expedient that a minimum Penalty should
 ‘ be specified in each such Case:’ Be it therefore enacted, That
 every Person who shall commit any of the Offences in the Sec-
 tion of the said Act specified shall (in addition to any other
 Forfeiture thereby specified) forfeit and pay a Sum not exceed-
 ing the Sum for such Offence respectively specified in the said
 Section of the said Act, and not less in any Case than the Sum
 of Ten Shillings: Provided always, that nothing in this Act con-
 tained shall be construed to legalize any Fishery or Weir not
 being legal at the Time of the passing of this Act.

Minimum of
 Penalties in
 certain Cases.

Act may be
amended, &c.

XLIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which the foregoing Act refers.

SCALE of LICENCE DUTIES for each Engine, Net, Instrument, or Device used in Salmon, Trout, Pollen, or Eel Fisheries in Districts.

	£	s.	d.
1. Single Salmon Rods - - -	1	0	0
2. Cross Lines and Rods - - -	2	0	0
3. Snap Nets - - -	1	10	0
4. Draft Nets or Seines - - -	3	0	0
5. Drift Nets - - -	3	0	0
6. Trammel Nets, or Draft Nets for Pollen - - -	1	10	0
7. Pole Nets - - -	2	0	0
8. Other Nets, or similar Engines not named above - - -	- - Licence Duties, such as shall be fixed by Commissioners or Conservators as provided by this Act.		
9. Bag Nets - - -	5	0	0
10. Fly Nets - - -	5	0	0
11. Stake Nets, or Stake Weirs (Scotch)	15	0	0
12. Head Weir - - -	3	0	0
13. For every Box, Crib, Cruive, or Drum Net in any Weir for taking Salmon or Trout -	5	0	0
14. For every Gap, Eye, or Basket in any Weir for taking Eels -	1	0	0
Note. — Fixed Fisheries for Salmon or Eels claimed to be "Several Fisheries," whether fixed by means of fixed Weirs with Boxes, Cruives, or Rails for stopping the Fish, or by means of the Fish being stopped by Rocks or other natural or artificial Obstructions, and taken by means of Draft or other Nets - - -			- - to be rated at Ten per Cent. on Poor Law Valuation, unless such Per-centage be reduced by the Commissioners or by the Conservators as provided by this Act.

CAP. XCIII.

An Act to confirm the Incorporation of certain Boroughs.
[31st August 1848.]

WHEREAS Charters of Incorporation have been lately granted to the Boroughs of *Wolverhampton*, *Warrington*, *Wakefield*, *Ashton under Lyne*, and *Salford*, to extend over certain

‘ certain Districts mentioned in such Charters respectively, and
 ‘ Doubts have arisen respecting the Validity of the said Charters :
 ‘ And whereas it is expedient that such Doubts should be
 ‘ removed :’ Be it therefore declared and enacted by the
 Queen’s most Excellent Majesty, by and with the Advice and
 Consent of the Lords Spiritual and Temporal, and Commons,
 in this present Parliament assembled, and by the Authority
 of the same, That the said several Charters of Incorporation,
 and all Elections, Acts, or Proceedings done or had in pursu-
 ance thereof, or by virtue of the same, before the passing of
 this Act, shall be deemed good and lawful from the Time of
 such several Grants, Elections, Acts, and Proceedings respec-
 tively, and that the Costs and Expenses of such Charters,
 Elections, Acts, and Proceedings respectively shall and may be
 levied by a Rate upon the Occupiers of all Buildings, Lands,
 and Hereditaments within the said several Boroughs.

Certain Pro-
 ceedings in in-
 corporated
 Boroughs
 before passing of
 this Act de-
 clared good and
 valid.

II. And be it enacted, That the Districts set forth in the said
 several Charters as those intended to be comprised in such
 Charters respectively shall be deemed and taken to be the
 Extent of such Municipal Boroughs respectively.

Districts named
 in Charters
 deemed Extent
 of Municipal
 Boroughs.

CAP. XCIV.

An Act to regulate certain Offices in the Petty Bag
 in the High Court of Chancery, the Practice of the
 Common-Law Side of that Court, and the Enrolment
 Office of the said Court. [31st August 1848.]

‘ **W**HEREAS it is expedient to regulate the Offices of the
 ‘ Clerks of the Petty Bag of the High Court of Chancery,
 ‘ the Practice of the Common-Law Side of that Court, and also
 ‘ the Enrolment Office of the said Court :’ Be it therefore
 enacted by the Queen’s most Excellent Majesty, by and with
 the Advice and Consent of the Lords Spiritual and Temporal,
 and Commons, in this present Parliament assembled, and by
 the Authority of the same, That from and after the First Day
 of *January* One thousand eight hundred and forty-nine the
 Offices of the said Senior, Second, and Third Clerks of the
 Petty Bag of the said High Court of Chancery shall be and
 the same are hereby abolished, and shall then cease and deter-
 mine, without Prejudice nevertheless to the Rights and Reme-
 dies of the present Holder of any of the said Offices to receive
 or recover any Money which shall or may then be due or
 payable to him by virtue of his Office for Fees or otherwise.

After 1st Jan.
 1849 the Offices
 of the Senior,
 Second, and
 Third Clerks
 abolished.

II. And be it enacted, That from and after the said First
 Day of *January* One thousand eight hundred and forty-nine
 there shall be an Officer of the said Court who shall be and
 be called the Clerk of the Petty Bag, and who shall execute
 and perform the Duties of his Office in Person, and not by
 Deputy : Provided always, that whenever the Clerk of the Petty
 Bag for the Time being, by reason of Sicknes or other unavoi-

Clerk of the
 Petty Bag to be
 appointed, who
 is to execute his
 Duties in Per-
 son, except in
 case of Sicknes,
 &c., when he
 may appoint a
 Deputy, with

Consent of the
Master of the
Rolls.

able Cause, shall be unable to perform the Duties of or shall have occasion to be absent from the Business of his Office, it shall be lawful for such Clerk, by any Writing under his Hand, with the Approbation of the Master of the Rolls, in Writing under his Hand, to appoint to be his Deputy such Person, and for such Time, to be limited in such Appointment and Approbation, as the Master of the Rolls shall or may approve of as fit and proper for that Purpose: Provided also, that whenever the said Clerk for the Time being shall from any Cause be unable to execute or perform or be absent from the Attendance upon the Duties of his Office, without having appointed or renewed the Appointment of a Deputy in manner aforesaid, it shall be lawful for the Master of the Rolls, by any Writing under his Hand, to appoint such Person to be and act as the Deputy of such Clerk during such Inability or Absence of the said Clerk for the Time being as the said Master of the Rolls shall think fit; and every Deputy appointed in manner aforesaid, and who shall accept of such Appointment, shall during the Time for which he shall be appointed have and possess all and every of the same or the like Powers and Authorities as the Clerk of the said Petty Bag for the Time being, and shall perform and be subject to all and every of the like Duties and Regulations as the said Clerk for the Time being; and every Deputy appointed in manner aforesaid shall be paid such Sum out of the Salary of his Principal as the Master of the Rolls shall by any Writing under his Hand direct; and the Appointment and Approbation of every such Deputy as aforesaid shall be filed of Record, and preserved in the Office of the Petty Bag, or such other Office as the Master of the Rolls shall order or direct.

Appointment of
First and other
Clerks of Petty
Bag, who are to
hold Office
during good
Behaviour, and
on Vacancy to
be filled up by
the Master of
the Rolls.

III. And be it enacted, That *Francis George Abbott* shall be the First Clerk of the Petty Bag; and that whenever and so soon as any Vacancy shall occur in the Office of the said *Francis George Abbott* or any future Clerk of the Petty Bag, whether by Death, Resignation, Removal, or otherwise, the Master of the Rolls shall, by some Writing under his Hand, appoint some fit and proper Person to be Clerk of the Petty Bag, every Person so appointed being a Person who for the Space of Five Years has been an Attorney of One of Her Majesty's Superior Courts of Common Law, or a Solicitor of the High Court of Chancery, and has during that Period actually practised as such Attorney or Solicitor, and for whose Appointment no pecuniary or other Consideration whatsoever shall be directly or indirectly paid, given, or received; and the said *Francis George Abbott*, and every qualified Person so appointed as aforesaid, shall hold his Office during good Behaviour, and shall or may be removed from his Office by the Master of the Rolls, with the Consent and Approbation of the Lord Chancellor, for such Misconduct or other Cause as by him shall be deemed sufficient to justify such Removal; and every such Appointment of a Clerk as aforesaid, and every Order for the Removal of a Clerk

Clerk from his Office, shall be filed of Record in the said Office, or such other Office of the said Court as the said Master of the Rolls shall order or direct.

IV. And be it enacted, That the Clerk of the Petty Bag for the Time being appointed by or in pursuance of this Act shall have, possess, and exercise all and every of the Powers, Authorities, Rights, and Privileges which now are or heretofore have been held, possessed, or exercised by the said Senior, Second, and Third Clerks whose Offices are hereby abolished; and the said Clerk of the Petty Bag for the Time being shall also perform and be subject and liable to all and every of the Services, Duties, and Regulations which the said Senior, Second, and Third Clerks, or any of them, now are or but for the passing of this Act would be bound to perform or be subject or liable to: Provided always, that the said Clerk of the Petty Bag for the Time being shall not by virtue of his Office be an Attorney of the said Court, and shall not directly or indirectly, by himself or together with any Partner, in his own Name or in the Name of any other Person, practise, be, or act as the Attorney, or the Agent of any Attorney, of any Person whomsoever, in, about, or for the Purpose of any Action, Suit, Writ, Proceeding, Matter, or Thing in the said Office of the Petty Bag, or upon or in the Common-Law Side of the said Court of Chancery.

Clerk of the Petty Bag to perform all the Duties and be subject to all the Regulations of the Senior and other Clerks, but not to be an Attorney of the Court.

V. And be it enacted, That no Person to be appointed to the Office of Clerk of the Petty Bag at any Time after the said *Francis George Abbott* shall have ceased to hold the said Office shall at any Time whilst he shall continue to hold the said Office, either directly or indirectly, by himself or together with any Partner or Person, in his own Name or in the Name of any other Person, practise or act as an Attorney or Solicitor or as the Agent of the Attorney or Solicitor, in any Court of Law or Equity: Provided also, that in case the Salary payable to the said *Francis George Abbott* in pursuance of this Act shall at any Time hereafter be increased so as to amount to Eight hundred Pounds *per Annum*, then and in such Case the said *Francis George Abbott* shall not at any Time whilst he shall continue to hold the said Office, either directly or indirectly, by himself or together with any Partner or Person, or other Person, in his own Name or in the Name of any other Person, practise or act as an Attorney or Solicitor, or as the Agent of any Attorney or Solicitor, in any Court of Law or Equity.

Clerk of the Petty Bag not to act as Attorney or Solicitor.

VI. And be it enacted, That the said Clerk of the Petty Bag shall receive by way of Salary for performing the Duties of his Office the Sum of Six hundred Pounds *per Annum*, but subject and without Prejudice to the Payment of all Salaries or Sums of Money by any Act or Acts in force directed or authorized to be paid thereout, the said Salary to commence and be computed from the First Day of *January* One thousand eight hundred and forty-nine, and be paid and payable quarterly, under Orders to be for that Purpose made by the Lord Chancellor: Provided always, that in case Parliament or the Lord

Salary of Clerk of Petty Bag.

Chancellor shall, with the Advice and Assistance of the Master of the Rolls, at any Time or Times hereafter transfer to the said Office of the Petty Bag any further or other Portion of the Business of or in the said Court of Chancery, or shall assign any Business or Service for the Suitors of the High Court of Chancery to be done or transacted by the said Clerk of the Petty Bag, then and in every such Case it shall be lawful for the said Lord Chancellor (if he shall think fit), with such Advice and Assistance as aforesaid, to order and direct that the Salary of the said Clerk of the Petty Bag shall be increased to such Amount, not exceeding Eight hundred Pounds *per Annum*, but subject as aforesaid, as the Lord Chancellor, with such Advice and Assistance as aforesaid, shall think proper and reasonable, having due Regard to the whole of the Duties to be performed by such Clerk.

Clerk of Petty Bag may appoint such Clerks to assist him as the Master of the Rolls may direct, who shall be paid by Salary.

VII. And be it enacted, That the Clerk of the Petty Bag may appoint to assist him in the Business of his Office such Clerk or Clerks as the Master of the Rolls shall from Time to Time by any Order direct, and may from Time to Time remove any such Clerk, and fill up all Vacancies in the Office of such Clerks, whether occasioned by Death, Resignation, or Removal, and that every such Clerk shall be entitled under this Act to such Salary as the Lord Chancellor shall, with the Advice and Assistance of the Master of the Rolls, by any Order direct; provided that if there shall be only One such Clerk his Salary shall not exceed the Sum of Two hundred and fifty Pounds *per Annum*, and that if such Clerks shall be more than One at the same Time the Amount of such Salaries shall not in any One Year exceed the Sum which if equally divided between them would admit of a Salary of Two hundred and fifty Pounds for each such Clerk.

Salaries and Expenses to be paid out of the Suitors Fee Fund.

VIII. And be it enacted, That the Salaries of the said Clerk of the Petty Bag, and of his Clerks or Assistants, together with the necessary and unavoidable Expenses of the Petty Bag Office, shall be paid and payable out of and be charged and chargeable upon the Fund standing in the Name of the Accountant General of the High Court of Chancery, and intituled "The Suitors Fee Fund Account" (but subject as aforesaid).

Penalty on Officers for taking Gratuities, &c.

IX. And be it enacted, That if any Officer or Clerk of the said Court, appointed or to be appointed under or by virtue of this Act, shall, for anything done or pretended to be done relating to his Office or Employment, or under colour of doing anything relating to his Office or Employment, or for forbearing to do any Act properly appertaining thereto, demand or accept, or allow any Person whatsoever to take for him or on his Account, or for or on account of or in trust for him, or any other Person named by him, any Gratuity, Perquisite, or Reward, or anything of Value other than and except the lawful Fees of his Office for which he is accountable, and the Salary or Remuneration allowed or to be allowed to such Officer or Clerk, it shall be lawful for the Master of the Rolls, with the Consent and Approbation of the Lord Chancellor, and he is hereby

hereby empowered and required, in every such Case, upon his being satisfied that any such Officer or Clerk charged with any such Offence is guilty thereof, to remove him from his Office or Employment; and every Person so removed shall be and he is hereby rendered incapable for ever thereafter of holding any Office, Situation, or Employment in any of the Courts of Law or Equity in the United Kingdom, or of otherwise serving Her Majesty, Her Heirs or Successors, in any Manner whatsoever; and every Order for removing any such Officer or Clerk as aforesaid shall be filed of Record in such Office as the Master of the Rolls shall order or direct.

X. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls for the Time being, from Time to Time to transfer any of the Business heretofore done in the said Office of the Clerk of the Petty Bag to any other Office of the High Court of Chancery, and to transfer any Portion of the Business of any other Office of the High Court of Chancery to the Office of the Clerk of the Petty Bag, and thereupon the Officers respectively charged with the Duties of such Offices to which such Business shall be transferred shall do and perform the Duties consequent on such Transfer in like Manner as if the same had been theretofore performed in such Office to which the same shall be transferred, subject to such Regulations, as to the Payment of Fees and otherwise, as the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, shall order or direct.

Power to Lord Chancellor and Master of the Rolls to regulate the Transfer of Business from Time to Time.

XI. And be it enacted, That a Seal shall be provided and kept for the said Court, which shall be and be called the Chancery Common-Law Seal, and such Seal shall be in such Form as the Lord High Chancellor, with the Advice and Assistance of the Master of the Rolls, shall or may from Time to Time order or direct; and the said Lord Chancellor, with such Advice and Assistance as aforesaid, shall or may from Time to Time order or direct that any Seal for the Time being so provided or kept as aforesaid shall be cancelled or laid aside, and another Seal substituted, kept, and used in lieu thereof; and all Courts, Tribunals, Judges, Justices, Officers, and other Persons whomsoever shall take notice of the said Seal, and receive Impressions thereof in Evidence, in like Manner as Impressions of the Great Seal are received in Evidence, and shall also take notice of and receive in Evidence, without further Proof, all and every of such Writs, Proceedings, Instruments, Documents, and Writings whatsoever which shall purport or appear to be sealed or stamped with the said Chancery Common-Law Seal for the Time, in like Manner as if the same had been sealed with the Great Seal.

Seal of Office to be provided and kept, and may be cancelled or altered from Time to Time.

XII. And be it enacted, That every Document sealed with the said Chancery Common-Law Seal for the Time being, and purporting to be a Copy of any Record or other Document of any Description, shall be deemed to be a true Copy of such Record or other Document, and shall, without further Proof,

Copies of Documents sealed to be admissible in Evidence.

be admissible and admitted and received in Evidence, as well before either House of Parliament as also before any Committee thereof, and also by and before all Courts, Tribunals, Judges, Justices, Officers, and other Persons whomsoever, in like Manner and to the same Extent and Effect as the original Record or other Document as would or might be admissible or admitted or received if tendered in Evidence, as well for the Purpose of proving the Contents of such Record or other Document, as also proving such Record or other Document to be a Record or Document of or belonging to the said Court of Chancery, but not further or otherwise.

Writs, &c. issued out of Petty Bag Office to be sealed with the Chancery Common-Law Seal.

XIII. And be it enacted, That all such Writs, Records, Instruments, Documents, Proceedings, and Writings such as are or have been usually issued or delivered out of the Petty Bag Office, and made under or sealed with the Great Seal, except Writs of Summons and Writs of Election issued on the calling of a new Parliament, and Writs of Restitution issued on the Appointments of Archbishops and Bishops, shall be made under or sealed or stamped with the said Chancery Common-Law Seal for the Time being; and every Writ, Record, Document, Instrument, Proceeding, and Writing which shall or may be made under or sealed or stamped with the said Chancery Common-Law Seal for the Time being shall be of the like Validity and shall have the same Force and Effect as if the same had been or were made or sealed with the Great Seal.

Specifications and Disclaimers enrolled under 5 & 6 W.4. c. 83. to be enrolled in the Enrolment Office only.

XIV. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and forty-nine every Specification or Instrument in Writing for describing or ascertaining any Invention, and to be enrolled in Chancery in pursuance of Letters Patent under the Great Seal, shall be enrolled in the Enrolment Office of the Court of Chancery; and every Disclaimer and Memorandum of Alteration to be enrolled in pursuance of an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Law touching Letters Patent for Inventions*, shall also be enrolled in the said Enrolment Office, whether the Specification of the Invention to which such Disclaimer or Memorandum of Alteration shall relate shall or shall not have been enrolled in the said Enrolment Office; and the Enrolment of every such Disclaimer and Memorandum of Alteration in the said Enrolment Office shall be and be deemed to be the Enrolment thereof in the proper Office, in pursuance of the Provisions of the said Act.

Seals approved by Master of the Rolls to be provided for the Enrolment Office.

XV. ' And whereas it is expedient to facilitate the Proof of the due Enrolment of Specifications, Deeds, and other Instruments in the said Enrolment Office, and also of Copies of the Enrolments thereof: ' Be it therefore enacted, That such a Seal or Stamp as the Master of the Rolls shall approve of shall be provided and kept in the said Enrolment Office, and from Time to Time, when the Master of the Rolls shall think fit, a new Seal or Stamp shall be provided in place of any Seal or Stamp for the Time being kept and used in the said Office, and

and whenever any new Seal or Stamp shall be so provided the old Seal shall be forthwith cancelled; and the Seal for the Time being kept and used in the said Enrolment Office in pursuance of this Act shall be and be called the Seal of the Enrolment Office in Chancery, and all Courts and other Tribunals, Judges, Justices, Officers, and other Persons whomsoever, shall take notice of the said Seal of the Chancery Enrolment Office, and shall take notice of and receive in Evidence every Instrument and Writing purporting or appearing to be sealed or stamped therewith, without Proof that the same has been so sealed or stamped.

XVI. And be it enacted, That the Clerk of the said Enrolment Office, or his Deputy or Assistant, shall, upon Request, and Payment of the proper Fees payable in respect thereof, endorse or write upon every Specification, Instrument, and Document which at any Time heretofore has been or at any Time hereafter shall be enrolled in the said Enrolment Office, a Certificate that such Specification, Instrument, or Document has been or was enrolled in Chancery, and the Day on which such Enrolment was made, and shall cause such Certificate to be sealed or stamped with the said Seal of the Chancery Enrolment Office; and every such Certificate purporting or appearing to be so sealed or stamped shall be admitted and received in Evidence by all Courts and other Tribunals, Judges, Justices, and others, without further Proof, and as sufficient *prima facie* Evidence that the Specification, Document, or Instrument therein mentioned was duly enrolled in the Court of Chancery on the Day and at the Time mentioned in such Certificate.

Certificates of Enrolment to be given, and, when sealed, shall be admitted as Evidence.

XVII. And be it enacted, That every Document or Writing sealed or stamped or purporting or appearing to be sealed or stamped with the said Seal of the Chancery Enrolment Office, and purporting to be a Copy of any Enrolment or other Record, or of any other Document or Writing of any Description whatsoever, including any Drawings, Maps, or Plans thereunto annexed or endorsed thereon, shall be deemed to be a true Copy of such Enrolment, Record, Document, or Writing, and of such Drawing, Map, or Plan (if any) thereunto annexed, and shall, without further Proof, be admissible and admitted in Evidence, as well before either House of Parliament as also before any Committee thereof, and also by and before all Courts, Tribunals, Judges, Justices, Officers, and other Persons whomsoever, in like Manner and to the same Extent and Effect as the original Enrolment, Record, Document, or Writing could or might be admissible or admitted in Evidence, as well for the Purpose of proving the Contents of such Enrolment, Record, Document, or Writing, and the Drawing, Map, or Plan (if any) thereunto annexed, as also proving such Enrolment, Record, Document, or Writing to be an Enrolment, Record, Document, or Writing of or belonging to the said Court of Chancery, and that such Enrolment, Record, Document, or Writing was made, acknowledged, prepared, filed, or entered on

Copies of Enrolments stamped with Seal of Enrolment Office to be admitted in Evidence.

Punishment
for forging or
altering any Seal
or Document.

on the Day and at the Time when the original Enrolment, Record, Document, or Writing shall purport to have been made, acknowledged, prepared, filed, or entered.

XVIII. And be it enacted, That if any Person shall falsely make, forge, or counterfeit any Seal made, provided, used, or kept in pursuance of this Act for or in the said Court or any Office thereof, or shall falsely make or alter any Seal, so as to resemble, purport, or appear to be a Seal made, provided, used, or kept in pursuance of this Act or for or in the said Court or any Office thereof, or shall use or tender in Evidence or utter any Impression made by any Seal so falsely made, forged, counterfeited, or altered as aforesaid, knowing the same to have been so falsely made, forged, counterfeited, or altered as aforesaid, or shall forge or shall unlawfully and falsely make or alter any Writ, Record, Document, Instrument, Proceeding, or Writing of or belonging to or made or prepared in or issuing out of, or appearing or purporting to be of or belonging to or made or prepared in or issuing out of, any such Office as aforesaid, or out of the said Court of Chancery, or shall use or tender in Evidence or utter any Writ, Record, Document, Instrument, Proceeding, or Writing so unlawfully or falsely made or altered as aforesaid, knowing the same to have been so unlawfully or falsely made or altered, or shall unlawfully and falsely seal or stamp with any Seal made, prepared, kept, or used for or in any of the said Offices, or for or in the said Court of Chancery, any Writ, Record, Document, Instrument, Proceeding, or Writing purporting or appearing to be or resembling, or intended to purport or appear to be or resemble, a Writ, Record, Document, Instrument, Proceeding, or Writing of or belonging to or made or prepared in or issuing out of any of the said Offices or the said Court of Chancery, or shall fraudulently use or tender in Evidence or utter any Writ, Record, Document, Instrument, Proceeding, or Writing so unlawfully or falsely sealed or stamped as aforesaid, then and in every such Case every Person so offending, and every Person knowingly and willingly aiding, abetting, or assisting any Person in committing any such Offence, and being thereof lawfully convicted, shall be adjudged guilty of Felony.

Power to Lord
Chancellor, &c.
to fix a Table
of Fees.

XIX. And be it enacted, That it shall and may be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, and he is hereby required, on or before the First Day of *January* One thousand eight hundred and forty-nine, to establish and ordain a Table of Fees to be thereafter taken by the said Clerk of the Petty Bag, and for the Lord Chancellor, with such Advice and Assistance as aforesaid, from Time to Time afterwards to vary and modify the same as he shall think fit, and the Fees so for the Time being established or ordained shall be deemed and taken to be the lawful Fees of the Petty Bag Office: Provided always, that no Fees whatever shall be demanded or received by the Clerk of the Petty Bag, or by any Person employed by him in the said Office, for or in respect of any Act, Duty, or Service required

No Fees to
be taken in
respect of Duties
performed at
Her Majesty's
Suit.

to be done, performed, or rendered by him, them, or any of them in the course of any Proceedings carried on in the said Office directly at Her said Majesty's Instance, Suit, and Charge; and the said Clerk of the Petty Bag, and the several Persons employed by him in the said Office, are hereby authorized and required to perform and render such Acts, Duties, and Services as may be required in the course of such last-mentioned Proceedings, without Payment of any Fee whatsoever in respect thereof.

XX. And be it enacted, That the said Clerk of the Petty Bag shall cause a true and accurate Account to be kept of all Fees received in his Office or by virtue thereof, and shall pay the full and just Amount of such Fees into the Bank of *England*, to be placed to the Account there standing in the Name of the Accountant General, intituled "The Suitors' Fee Fund Account," at such Times and under such Regulations as the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, shall by any Order direct.

Clerk of Petty Bag to keep Accounts of Fees received, and pay the same into the Suitors Fee Fund.

XXI. And be it enacted, That every Person who has heretofore been admitted a Solicitor of the said Court of Chancery, and who is now a Solicitor of the said Court, shall, by virtue of his Admission and this Act, become and be an Attorney of the said Court; and every Person hereafter to be admitted a Solicitor of the said Court shall be also admitted and become an Attorney of the said Court; and the Solicitor of Her Majesty, the Solicitor of each of the several public Boards of this Realm, and every Person so to become or be admitted an Attorney of the said Court as aforesaid, shall be allowed and entitled to practise as an Attorney on the Common-Law Side of the said Court of Chancery, any Law or Usage to the contrary notwithstanding, upon Payment, nevertheless, of such Fees as shall or may be payable in respect of the Business transacted by the said Attornies; and all such Documents, Proceedings, Writings, Acts, Duties, Services, Matters, and Things as before the passing of this Act were or ought to be prepared, conducted, done, or performed by the said Senior, Second, and Third Clerks of the Petty Bag respectively, as the Attornies of or for their Clients respectively, shall or may, from and after the said First Day of *November* One thousand eight hundred and forty-eight, be prepared, conducted, done, and performed by such Clients respectively in their own proper Persons, or by some Person who shall become or be admitted and actually be an Attorney of the said Court by virtue of this Act, and not by any other Person whomsoever.

Solicitors to be entitled to practise as Attornies in the Common-Law Side of Chancery.

XXII. And be it enacted, That every Writ of any Description whatsoever hereafter to be issued out of the said Office of the Petty Bag shall or may be issued or tested on any Day, not being a *Sunday*, *Good Friday*, or *Christmas Day*, whether such Day shall be in Term-Time or in Vacation; and every such Writ so issued or tested on any Day in Vacation, and which, according to any present Law or Usage or Practice of or in the said Court of Chancery, ought to be tested on some Day

Writs may be tested in Term-Time, or in Vacation.

Day in Term-Time, shall be of the like Validity, Force, and Effect as if the Day of the issuing or testing of such Writ was actually a Day in Term-Time.

Writs may be made returnable in Term-Time or in Vacation.

XXIII. And be it enacted, That every Writ of any Description whatsoever hereafter to be issued out of the said Office of the Petty Bag, whether the same shall or may be returnable in the same Court or in any other of Her Majesty's Superior Courts of Common Law, shall or may be made returnable and returned on any Day certain to be in such Writ mentioned (not being a *Sunday*, *Good Friday*, or *Christmas Day*), whether such Day shall be in Term-Time or in Vacation, or forthwith after the Execution thereof; and every such Writ which shall be made returnable or returned on any Day in Vacation, and which, according to any present Law or Usage or Practice of or in the said Office of the Petty Bag, ought to be made returnable or to be returned on some Day in Term-Time, shall be of the like Validity, Force, and Effect as if the Day upon which the same Writ shall or may be returned or made returnable was actually a Day in Term-Time: Provided always, that in every Case in which any particular Period of Time ought to elapse between the Teste and Return of any Writ, such Writ, if made returnable forthwith after the Execution thereof, shall be returned immediately after the Execution thereof, and after such Period shall have elapsed.

Proceedings of the Court may be in either Term-Time or in Vacation.

XXIV. And be it enacted, That every Rule, Order, Pleading, Judgment, Execution, Proceeding, Act, Business, Matter, and Thing to be made, entered, intituled, filed, given, issued, taken, transacted, done, or performed in or by the said Court of Chancery at any Time after the said First Day of *January* One thousand eight hundred and forty-nine, shall or may be so made, taken, transacted, done, or performed on any Day, not being a *Sunday*, *Good Friday*, or *Christmas Day*, whether such Day shall be in Term-Time or in Vacation; and every such Rule, Order, Pleading, Judgment, Execution, Proceeding, Act, Business, Matter, and Thing as aforesaid which shall be so made, entered, intituled, filed, given, issued, taken, transacted, done, or performed in Vacation, or on any Day in Term-Time or in Vacation, and which, according to any present Law, or any present Practice or Usage of the said Office of the Petty Bag, can or ought only to be made, entered, intituled, filed, given, issued, taken, transacted, done, or performed in Term-Time, or as in Term-Time, or as on any or some particular Day or Days in Term-Time, shall be of the like Validity, Force, and Effect as if the Day upon which the same shall or may be so made, entered, intituled, filed, given, issued, taken, transacted, done, or performed was actually a Day in Term-Time, and as if the same was actually made, entered, intituled, filed, given, issued, taken, transacted, done, or performed in Term-Time, and not in Vacation, and the Day or one of the Days in Term-Time required by any such Law, Practice, or Usage as aforesaid.

XXV. And

XXV. And be it enacted, That any Writ of Scire facias for repealing, cancelling, or vacating any Letters Patent or Charter, which shall or may at any Time hereafter be issued in any Action at the Suit of Her Majesty, hereafter to be commenced, whether at the Instance of any of Her Majesty's Subjects or otherwise, shall or may be directed and sent to the Sheriff of any County in *England* or *Wales*, although the Record upon which such Writ shall be founded or issued may be or remain in the County of *Middlesex* or any other County, and that it shall not be necessary that any such Writ which at any Time hereafter may be issued and directed to the Sheriff of any such County as aforesaid shall be a Testatum Writ, or founded upon any previous Writ directed or sent to the Sheriff of *Middlesex* or any other County.

Writs of Scire facias may be directed to Sheriff of any County.

XXVI. And be it enacted, That in every Action of Scire facias hereafter to be commenced at the Instance of any Person, being One of Her Majesty's Subjects, for the Purpose of repealing, cancelling, or vacating any Letters Patent or Charter, the Name and Addition of such Person shall be inserted in the Writ for commencing such Action as the Person suggesting or informing Her Majesty of the Matters or Reasons for which such Letters Patent or Charter may be sought to be repealed, and such Person shall be and be deemed to be the Prosecutor of such Action and Writ; and the Name and Address of the said Prosecutor's Attorney (if any) shall be endorsed upon the same Writ, and upon all Pleadings (if any) in the Action: Provided always, that nothing in this Act contained shall authorize the issuing of any such Writ of Scire facias aforesaid without the Fiat or Leave of Her Majesty's Attorney General.

Prosecutors Names to be inserted in Writs of Scire facias.

XXVII. And be it enacted, That in case any Defendant in any such Action of Scire facias already or hereafter to be commenced for repealing, cancelling, or vacating any Letters Patent or Charter shall appear in the said Court of Chancery in Person or by Attorney to answer the Writ issued in such Action, it shall not be necessary to file any Declaration, but the Prosecutor of such Action or his Attorney shall deliver the Declaration to such Defendant or his Attorney, and shall also at the same Time deliver to such Defendant or his Attorney the Notice of Objections (if any) required by the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Law touching Letters Patent for Inventions*, and it shall not be necessary at any Time hereafter to file any Notice of Objections required by the said last-mentioned Act, but only to deliver the same to the Defendant or his Attorney, as required by this Act.

Declarations, &c. in Scire facias to be delivered, and not filed.

5 & 6 W. 4. c. 83.

XXVIII. And be it enacted, That in any such Action of Scire facias as aforesaid no Demurrer, nor any Plea or Pleading subsequent to the Declaration, shall be filed in the said Office of the Petty Bag or otherwise in the said Court of Chancery; and that in every such Action, every such Plea and subsequent Pleading shall be delivered by the Party pleading it or his Attorney to the opposite Party or his Attorney, and that the

Pleas in Scire facias to be delivered, and not filed.

Issue

Issue in any such Action shall be delivered only, and not filed, and shall or may be made up and delivered by either Party or his Attorney to the opposite Party or his Attorney; and for the Purposes of this Enactment, and also for the Purposes of managing and conducting every such Action of Scire facias as may contain the Name of any Prosecutor, such Prosecutor shall be deemed to be a Party thereto, and to represent the Plaintiff therein, subject nevertheless to the Control of Her Majesty's Attorney General, in like Manner as if this Act had not been passed.

Issues in Scire facias may be tried in any of the Superior Courts.

XXIX. And be it enacted, That in case any Issue respecting any Matter of Fact to be tried by the Country has at any Time heretofore been or shall at any Time hereafter be joined between Her Majesty and any Patentee or other Person in any Action of Scire facias heretofore or hereafter to be commenced, for the Purpose of cancelling, repealing, or vacating any Letters Patent or Charter, or Recognizance, then and in every such Case the Record shall be made up and filed in the Office of the Petty Bag; and it shall and may be lawful to try such Issue in Fact in any One of the Three Courts of Queen's Bench, Common Pleas, or Exchequer of Pleas; and in every such Case the Writ of Venire facias juratores for summoning a Jury to try such Issue shall or may be made returnable and returned in such of the said Three Courts as the Issue is intended to be tried in; and a Transcript of the said Record in Chancery, containing such Issue, shall or may thereupon be sent or taken into the Court in which such Writ of Venire facias shall be made returnable, in like Manner as Records containing Issues between Her Majesty and any Patentee or other Person may now be sent or taken by the said Court of Chancery into the Court of Queen's Bench, and it shall not be necessary to issue any Writ of Mittimus or other Writ for the sending or taking such Transcript into either of the said Courts; and in case such Writ of Venire facias shall be made returnable in either of the said Courts of Common Pleas or Exchequer of Pleas, such Court shall, upon the Transcript of the said Record being brought into such Court, proceed to try such Issue either at Bar or at Nisi Prius as such Court shall think fit, and in like Manner as such Issue would or might have been tried in the Court of Queen's Bench in case such Writ of Venire facias had been made returnable in that Court, and the said Transcript, or the original Record, had been taken or deemed to be taken by the Lord Chancellor into that Court; and upon any such Transcript as aforesaid being taken or brought into either of the said Courts of Common Pleas or Exchequer of Pleas such Court shall or may issue such Writs, make such Rules, and proceed therein in all respects for the Trial or other lawful Determination of the Issue therein contained, in like Manner as the Court of Queen's Bench could or might have done if such Transcript or the original Record had been taken into the Court of Queen's Bench, and with full Power to set aside or vacate any Trial, Verdict, or other Proceeding, in like Manner as could or might

have

have been done by the said Court of Queen's Bench; and upon the Trial of any such Issue as aforesaid had or completed a Transcript of the Verdict of the Jury and Proceedings of the Court upon such Issue or the Trial thereof shall be taken into the said Court of Chancery, to the end that the said last-mentioned Court shall or may give Judgment therein according to the Law and Custom of *England*; and no Writ of Mittimus or other Writ shall be necessary for the Purpose of remanding or taking a Transcript of any such Verdict and Proceedings as aforesaid into the said Court of Chancery.

XXX. And be it enacted, That every Issue of Fact to be tried by the Country which has already been joined or which may at any Time hereafter be joined upon any Traverse to an Inquisition shall or may be tried in any or either of Her Majesty's Superior Courts of Law, in like Manner as by this Act provided with respect to the Trial of Issues in Fact by the Country in Actions of Scire facias to repeal, cancel, or vacate Letters Patent or Charters.

Issues upon Traverses to be tried in like Manner as Issues in Scire facias.

XXXI. And be it enacted, That in case any Issue in Law, on Demurrer or otherwise, shall be joined in any Action of Scire facias, or upon any Traverse of an Inquisition, then and in such Case the Record of such Issue shall be made up and filed in the Office of the Petty Bag, and a Transcript of the said Record shall or may thereupon be sent or taken into any One of the Three Courts of Queen's Bench, Common Pleas, or Exchequer; and such Court shall, upon the Transcript being brought into any such Court, proceed to hear and determine the same, in like Manner as Records of Issues in Law from the Common-Law Side of the said Court of Chancery may now be heard and determined in the Court of Queen's Bench; and upon the Determination of any such Issue in Law a Transcript of the Judgment of such Court upon such Issue shall be taken into the said Court of Chancery, to the end that the said last-mentioned Court shall or may give Judgment therein according to the Law and Custom of *England*.

Record of Issue to be filed in the Office of the Petty Bag.

XXXII. And be it enacted, That in all Cases where any Party shall be entitled to the Costs of any such Issues, or of any other Proceedings or Matters provided for by this Act, in any of the said Courts, such Costs shall be taxed and regulated by One of the Masters of the said Court respectively, who shall indorse his Allocatur on the Postea or Rule, as the Case may be, before the same shall be taken or returned into the Court of Chancery as aforesaid.

Costs to be taxed.

XXXIII. And be it enacted, That every Writ which shall or may, at any Time after this Act shall come into operation, lawfully issue out of the said Office of the Petty Bag, under the said Chancery Common-Law Seal, at the Instance of any Person, and every Record and Proceeding whatsoever on the Common-Law Side of the said Court of Chancery, shall be prepared, ingrossed, and issued by the Party requiring or conducting the same, subject nevertheless to such Rules and Regulations as shall or may be made and for the Time being in

Writs and Proceedings to be prepared by Parties or their Attornies.

in force, by virtue of this Act or otherwise, for regulating the Practice of the Common-Law Side of the said Court of Chancery, and also subject to the Payment of such lawful Fees as shall or may be payable for or in respect thereof; and upon Payment of such Fees, and complying with such Rules, such Writs, Records, and Proceedings shall (when necessary, and if lawful and regular,) be duly sealed.

Judges may dispose of Matters raising or incident to any Action on the Common-Law Side of the Court of Chancery.

XXXIV. And be it enacted, That in every Action, Suit, and Proceeding now pending or which at any Time hereafter shall be commenced or pending in the said Court of Chancery on the Common-Law Side thereof, it shall be lawful for the Superior Courts of Common Law, and the Judges thereof respectively, and they are hereby respectively required, to hear and determine all such Matters or Applications arising in or incident to any such Action, Suit, or Proceeding as aforesaid, as before the passing of this Act might have been heard and determined by the Lord Chancellor and the Master of the Rolls, or either of them, and also to transact, do, and perform all such Business, Matters, and Things in, about, touching, or concerning any Action, Suit, or Proceeding on the Common-Law Side of the said Court of Chancery as by virtue of any Orders or Regulations for the Time being in force by virtue of this Act may be transacted, done, or performed by such Judge, subject nevertheless and according to the Provisions of this Act, and the Laws, Rules, and Regulations for the Time being in force for the Regulation of the said Court, and the Practice and Proceedings thereof.

Master of the Rolls may make Orders for the Custody, &c. of the Records.

XXXV. And be it enacted, That it shall and may be lawful for the Master of the Rolls to make such Rules, Orders, and Regulations from Time to Time for the Transfer, Care, and Custody of the Records, Enrolments, Indexes, Books, Documents, or other Proceedings now or hereafter to be filed, lodged, or be in the said Office of the Petty Bag, or in the Custody of the said Clerk of the said Office, and the Endorsement thereof, and the filing of Writs and other Proceedings, and all other Matters and Things relating to the Matters aforesaid, as to the Master of the Rolls shall seem fit and proper.

General Rules and Orders may be made.

XXXVI. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, from Time to Time hereafter to make such Alterations, Orders, Rules, and Regulations as he shall, with such Advice and Assistance as aforesaid, think fit, in and respecting the said Office of the Petty Bag, and the Business and Practice thereof, the Duties of the said Clerk, and the Transaction, Management, and Conduct of the Business thereof, and also in and respecting the Modes of suing out, preparing, ingrossing, issuing, sealing, signing, serving, executing, and returning Writs, Process, Rules, Notices, and other Instruments issuing out of or authorized or required by the said Court or the Practice thereof, and also from Time to Time to rescind, alter, or vary such Alterations, Orders, Rules, and Regulations: Provided always, that no such Alterations, Orders, Rules, or Regulations

Regulations as aforesaid shall be contrary to or inconsistent with the Provisions of this Act.

XXXVII. And be it enacted, That no Person whomsoever who now is or at any Time hereafter shall be an Officer of the said Court of Chancery shall at any Time after the passing of this Act have or be entitled as such Officer to any Privilege to commence or prosecute any Action or Suit in the said Court of Chancery, other than and except such Actions and Suits as may be commenced in the said Court by every or any other Person.

Officers Privi-
lege of suing
abolished.

XXXVIII. Provided always, and be it enacted, That nothing herein-before contained shall hinder or prevent any Action or Suit already commenced by or against any Officer of the said Court of Chancery from being prosecuted, and that the Parties in or to every such Action or Suit shall or may, by themselves or by their Attorneys respectively (to be by them respectively appointed), prosecute and defend such Action or Suit, and that Judgment shall or may be given in such Action or Suit, or such Action or Suit or otherwise disposed of, in like Manner as if this Act had not been passed, subject nevertheless to such Rules, Orders, and Regulations as shall or may be made in pursuance of this Act.

Proviso as to
existing Actions
by or against
Officers.

XXXIX. And be it enacted, That every Person, Party to any Action, Suit, or Proceeding now pending in the said Court of Chancery on the Common-Law Side thereof, shall, before taking any fresh Step in or about any such Action, Suit, or Proceeding, cause to be entered in a Book to be kept in the said Petty Bag Office, if he intends to act in Person and not by Attorney therein, his own Name and Address, and if he intends to act by Attorney and not in Person, then the Name and Address of his Attorney; and if any such Person or Attorney resides more than Three Miles from the said Office, some Place within that Distance shall be mentioned and entered in the said Book at or to which Pleadings, Notices, and other Proceedings may be left or sent for such Person or his Attorney; and every Attorney shall, before he acts as the Attorney of any Person in the said Court, cause to be entered in such Book as aforesaid his Name and also his Address, or some Place at or to which Pleadings, Notices, or other Proceedings may be left for or sent to him.

Parties or At-
tornies to cause
Names to be
entered in a
Book at the
Petty Bag
Office.

XL. And be it enacted, That any Affidavit, Affirmation, or Declaration to be sworn or made or taken, and read or used in the said Court, shall or may be sworn, made, or taken by or before the Clerk of the Petty Bag for the Time being, who is hereby authorized and required to administer, receive, or take the necessary and proper Oath, Affirmation, or Declaration to every Person desirous of swearing, making, or taking any such Affidavit, Affirmation, or Declaration as aforesaid; and every Person who shall wilfully and corruptly swear, affirm, or declare falsely in any such Affidavit, Affirmation, or Declaration shall be guilty of Perjury, and shall be prosecuted and punished accordingly.

Affidavits may
be sworn before
Clerk of Petty
Bag.

Saving the Jurisdiction of Lord Chancellor and Master of the Rolls.

XLI. And be it enacted, That nothing in this Act expressed or contained shall take away or in anywise diminish or prejudice the Jurisdiction or any of the Powers, Rights, or Privileges of the Lord Chancellor, as Judge of the said Court of Chancery, or otherwise howsoever, or the Jurisdiction or any of the Powers, Rights, or Privileges of the Master of the Rolls, as the Keeper of the Records of the said Court, or as a Master or Judge of the said Court, or otherwise.

Forms of Writs to be settled and approved by Lord Chancellor, &c.

XLII. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, from Time to Time to ordain, settle, and approve of the Form of any Description of Writ or Writs which may be deemed necessary to be issued for the Purpose of giving effect to any Description of Judgment, Order, Proceeding, or Matter of or pending in or to be taken in the said Court of Chancery, or for the Furtherance of the Business of or originating in the said Court of Chancery.

Courts of Common Law to take cognizance of Writs.

XLIII. And be it enacted, That every of Her Majesty's Courts of Common Law, and all other Courts, Judges, Officers, and others, shall take cognizance of all and every of Writs as aforesaid, and give effect thereto in such Manner as may be requisite, and, if necessary, the Judges of such Courts respectively shall and they are hereby required to make such Rules and Regulations for the Practice of their respective Courts thereupon as to them respectively shall seem fitting, which shall be signed by the Judge or by the major Part in Number of the Judges of the said Courts respectively, and if there be more than One Judge of any such Court the Chief Judge of such Court (if there be a Chief Judge) shall be One.

Monies paid into Court for Her Majesty's Use shall continue to be received as heretofore, &c.

XLIV. And be it enacted, That all Monies paid into the said Court for Her Majesty's Use shall continue to be received as heretofore by the said Clerk of the Petty Bag, and the several Accounts of Fines, Issues, Amerciaments, Penalties, and Recognizances set, lost, imposed, or forfeited to or for the Use of Her Majesty in the said Office of the Petty Bag, required by any Act now in force to be rendered and made by the said Clerk of the Petty Bag, and all other Acts, Duties, and Services now done, performed, and rendered by the said Clerk of the Petty Bag touching the Receipt and Payment of Monies to or for the Use of Her Majesty, and the Accounts to be rendered thereof, shall continue to be done, performed, and rendered as heretofore by the said Clerk of the Petty Bag.

Power to grant Compensations, with Consent of Treasury.

XLV. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Consent of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, to award such Compensation, in such Manner and upon such Conditions as he may think fit, to the Senior and Second Clerk of the said Office of Petty Bag, in consideration of the Loss they will or may have respectively sustained by the Abolition of their Offices, and that such Compensations shall be paid by the said Accountant General, by virtue of an Order

to be made by the Lord Chancellor, out of the Fund intituled "The Suitors Fee Fund Account."

XLVI. And be it enacted, That in the Construction of this Act the Expression "Her Majesty" shall extend to, include, and mean, not only Her present most Excellent Majesty, but also Her Heirs and Successors; the Expression "Lord High Chancellor," and also the Expression "Lord Chancellor," shall extend to, include, and mean, as well the Lord High Chancellor of *Great Britain* for the Time being, as also the Lord Keeper of the Great Seal for the Time being, and also the Lords Commissioners for the Time being for the Custody of the Great Seal of this Realm, and the major Part in Number of such Commissioners; and that the Expression "Court of Chancery" shall mean the High Court of Chancery held before the said Lord Chancellor or Lords Commissioners, or major Part of the said Lords Commissioners; the Expression "Great Seal" shall mean the Great Seal of the United Kingdom of *Great Britain* and *Ireland*; and the Expression "Master of the Rolls" shall mean the Master of the Rolls for the Time being; and also that Words importing Persons only shall extend to Corporations; that Words importing the Singular Number only shall include the Plural Number; and Words importing the Plural Number only shall include the Singular Number; save and except where there shall or may be something in the Subject or the Context repugnant to or inconsistent with any such Construction as aforesaid.

Construction of
Terms in this
Act.

XLVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

Act may be
amended, &c.

CAP. XCV.

An Act to carry into effect the Arrangements of the Ecclesiastical Commissioners for *England* for making better Provision for the Cure of Souls in the Parish of *Wolverhampton* in the County of *Stafford* and Diocese of *Lichfield*. [31st August 1848.]

WHEREAS by an Act commonly called or known by the Name of "The *Pelsall* Mining Act," passed in the Session of Parliament held in the Fifty-first Year of the Reign of His late Majesty King *George* the Third, and intituled *An Act for enabling the Dean of Windsor and Wolverhampton, and his Successors, to grant Leases and Licences for opening and working Mines within the Lands belonging to the Manor of Wolverhampton, and for augmenting the Income of the Sacrist of the Collegiate Church or Royal Free Chapel of Wolverhampton*, after reciting that the Duties of the said Church were under the Care of a Clergyman denominated the Sacrist or Sexton, and there were Three other Assistant Ministers of the same Church called Readers, and that the Income of the said Sacrist was very inadequate to his Dignity and Station, and

51 G. 3. c. 182.

' with a view to the Augmentation thereof, and the making a
 ' more suitable Provision for the due Discharge of the Minis-
 ' terial Duties of the said Church, the Dean of the said Colle-
 ' giate Church was willing that the Duties, Salaries, and
 ' Emoluments of the said Offices, when vacant, should devolve
 ' upon and be annexed to the Office of the said Sacrist for the
 ' Time being, and that the said Dean was desirous that an
 ' Income of a given Amount should be appropriated and secured
 ' to the said Sacrist from a Fund to be raised out of the Rents
 ' to be reserved by Leases to be granted by the Dean for the
 ' Time being, and that it was expedient that the said Sacrist
 ' should thereafter be denominated the Perpetual Curate of the
 ' said Parish of *Wolverhampton*, it was enacted, that the said
 ' officiating Minister theretofore called Sacrist or Sexton should
 ' from thenceforth be denominated the Perpetual Curate of the
 ' said Parish of *Wolverhampton*; and it was further enacted,
 ' that on the Death or other Avoidance of the Three then As-
 ' sistant Readers the Office of such Reader or Assistant Minister,
 ' and the Right to nominate any Successor to the same Office,
 ' should cease and be extinguished, and the Duties of each of
 ' the same Offices respectively, when the same should respec-
 ' tively become extinct, should devolve on and be performed
 ' by the Perpetual Curate for the Time being, and that all the
 ' Salaries, Perquisites, and Emoluments belonging to such
 ' Offices respectively should belong and be payable to and might
 ' be demanded and recovered by such Perpetual Curate; and
 ' it was further enacted, that One Fourth Part of the Rents
 ' payable to the said Dean for the Time being under the Li-
 ' cences and Leases therein mentioned should yearly, until the
 ' Sum of Eight thousand Pounds Three *per Centum* Annuities
 ' should have been purchased, as therein-after mentioned, be
 ' applied by the said Dean for the Time being in the Purchase
 ' of Three *per Centum* Consolidated Annuities in the joint Names
 ' of the Most Reverend the Archbishop of *Canterbury*, the said
 ' Dean, and the said Perpetual Curate for the Time being, and
 ' that such Perpetual Curate should, either in his own Person
 ' or by his Attorney, be authorized to receive the Dividends
 ' and Income of so much of the said Three *per Centum* Annui-
 ' ties as from Time to Time should have been purchased, and
 ' that all or any Part of the said Three *per Centum* Annuities
 ' might be sold for the Purpose of being laid out in the Pur-
 ' chase of Lands held in Fee Simple, and situate in the County
 ' of *Stafford*, in manner therein mentioned, and that the said
 ' Lands, when so purchased, should be conveyed to and vested
 ' in the said Perpetual Curate, to hold to him and his Successors
 ' for the Time being, and that the said Perpetual Curate should
 ' be a sole Corporation, and that he should be capable of hold-
 ' ing the same Lands; and it was further enacted, that all the
 ' Rents payable from Time to Time in respect of the Lands so
 ' to be purchased, and the Dividends and Income payable in
 ' respect of the said Stock, or the Residue thereof, should belong
 ' and be payable to the Perpetual Curate for the Time being,
 ' as

‘ as Part of his Income, and Increase thereof: And whereas by a
 ‘ certain Act commonly called or known by the Name “*Hobart’s*
 ‘ *Estate Act*,” passed in the Session of Parliament held in the
 ‘ Fifth and Sixth Years of the Reign of His late Majesty King
 ‘ *William* the Fourth, and intituled *An Act to authorize the* 5 & 6 W. 4. c. 25.
 ‘ *making of Grants or Leases of Mines within and under Parts*
 ‘ *of the Lands belonging to the Perpetual Curacy of the Parish*
 ‘ *of Wolverhampton in the County of Stafford*, after reciting
 ‘ (amongst other things) that *Henry Lewis Hobart* Doctor in
 ‘ Divinity was Dean of the said Collegiate Church of *Wolver-*
 ‘ *hampton* and Prebendary of the Prebend of *Wolverhampton*
 ‘ aforesaid, and was in right of such his Deanery and Prebend
 ‘ Patron and Ordinary of the said Collegiate Church, and that
 ‘ the Reverend *George Oliver* Clerk was the officiating Minister
 ‘ of the said Collegiate Church, and as such was denominated
 ‘ the Perpetual Curate of the Parish of *Wolverhampton* afore-
 ‘ said, and that there belonged to the said Collegiate Church
 ‘ and Perpetual Curacy certain Lands and Hereditaments situate
 ‘ within and in the Neighbourhood of the Town of *Wolverhamp-*
 ‘ *ton* aforesaid, and there were under the same Lands divers
 ‘ Mines of Coal, Ironstone, and other Minerals of considerable
 ‘ Value, and that by Articles of Agreement under the respective
 ‘ Hands of the said *George Oliver* and of *George Jones*, Coal and
 ‘ Iron Master, and dated the Fourteenth Day of *May* One thou-
 ‘ sand eight hundred and thirty-five, for the Sale to and Pur-
 ‘ chase of by the said *George Jones* all the Mines of Clay, Coal,
 ‘ Ironstone, and other Mines and Minerals whatsoever under
 ‘ Two several Closes of Land situate in *Wolverhampton* afore-
 ‘ said, and comprised in the Schedule to the now-reciting Act,
 ‘ at or for the Price of Three thousand seven hundred and
 ‘ fifty-one Pounds Eighteen Shillings and Sixpence, to be paid
 ‘ in manner therein-after mentioned, it was enacted, that from
 ‘ and after the passing of the now-reciting Act it should be
 ‘ lawful for the said *George Oliver*, or other the Perpetual Curate
 ‘ for the Time being of the said Parish of *Wolverhampton*, with
 ‘ the Consent of the Governors of the Bounty of *Queen Anne*,
 ‘ testified as therein mentioned, on Payment by the said *George*
 ‘ *Jones*, his Heirs, Executors, or Administrators, of the said Sum
 ‘ of Three thousand seven hundred and fifty-one Pounds Eigh-
 ‘ teen Shillings and Sixpence, to carry into effect the said recited
 ‘ Articles of Agreement according to the true Intent and Mean-
 ‘ ing thereof, or with such Variations or Modifications as the said
 ‘ *George Oliver* or other the Perpetual Curate for the Time
 ‘ being and the said Governors should think fit; and it was
 ‘ further enacted, that the said Sum of Three thousand seven
 ‘ hundred and fifty-one Pounds Eighteen Shillings and Sixpence
 ‘ should be paid by the said *George Jones* to the Treasurer for
 ‘ the Time being of the said Governors of the Bounty of *Queen*
 ‘ *Anne* for the Augmentation of the Maintenance of the Poor
 ‘ Clergy, and that the Receipts of the said Treasurer should be
 ‘ a good and effectual Discharge for the same; and it was
 ‘ further enacted, that after Payment of all Costs and Expenses
 3 E 3 ‘ attending

3 & 4 Vict.
c. 113.

4 & 5 Vict. c. 39.

‘ attending the making and executing of the said recited Con-
 ‘ tract, and attending or in anywise relating to the making and
 ‘ passing of the now-reciting Act, and of all other incidental
 ‘ Costs and Expenses, the Residue of the Monies to arise from
 ‘ such Sale should be invested by the said Governors, in their
 ‘ Names, in the Purchase of Three Pounds *per Centum* Bank
 ‘ Annuities, and be placed to the Credit of the said Perpetual
 ‘ Curacy of *Wolverhampton*, and applied for the perpetual
 ‘ Augmentation of such Curacy, in such and the like Manner as
 ‘ the same would have been applicable in case the Amount
 ‘ thereof had arisen by means of any Grant made by the said
 ‘ Governors for the Augmentation of the said Curacy: And
 ‘ whereas an Act was passed in the Session of Parliament held
 ‘ in the Third and Fourth Years of Her Majesty’s Reign, inti-
 ‘ tuled *An Act to carry into effect, with certain Modifications,*
 ‘ *the Fourth Report of the Commissioners of Ecclesiastical*
 ‘ *Duties and Revenues*, and another Act was passed in the
 ‘ Session of Parliament held in the Fourth and Fifth Years of
 ‘ Her Majesty’s Reign, intituled *An Act to explain and amend*
 ‘ *Two several Acts relating to the Ecclesiastical Commissioners for*
 ‘ *England*: And whereas at the passing of the thirdly recited
 ‘ Act the Church of *Saint Peter Wolverhampton* was a Colle-
 ‘ giate Church consisting of a Dean and Eight Prebendaries, of
 ‘ which the Dean was One, and a Sacrist or Sexton, and the
 ‘ said Sacrist was also the Perpetual Curate of *Wolverhampton*:
 ‘ And whereas by the said thirdly recited Act it was enacted,
 ‘ that no new Appointment should be made to the Deanery of
 ‘ *Wolverhampton*, but that the said Deanery should upon the
 ‘ Vacancy thereof be suppressed, and that no Presentation or
 ‘ other Appointment to the Offices therein mentioned, nor to
 ‘ any Prebend not residentiary, in any Collegiate Church in
 ‘ *England*, should convey any Right or Title whatsoever to any
 ‘ Lands, Tithes, or other Hereditaments, or any other Endow-
 ‘ ments or Emoluments whatsoever, then belonging to any such
 ‘ Office or Prebend, and that all Lands, Tithes, and other Here-
 ‘ ditaments, (excepting any Right of Patronage,) and all other
 ‘ Emoluments and Endowments whatsoever, belonging to the
 ‘ said Deanery of *Wolverhampton* and certain other Deaneries
 ‘ therein mentioned, and to any Prebend not residentiary in any
 ‘ Collegiate Church in *England*, or enjoyed by the Holder of any
 ‘ such Deanery, Dignity, Office, or Prebend as such Holder,
 ‘ should, as to all such of the said Deaneries, Dignities, Offices,
 ‘ and Prebends respectively as might be vacant at the passing
 ‘ of the said Act, immediately upon its so passing, and as to all
 ‘ others immediately upon the Vacancies thereof respectively,
 ‘ without any Conveyance or Assurance in the Law other than
 ‘ the Provisions of the same Act, accrue to and be vested abso-
 ‘ lutely in the said Commissioners and their Successors for the
 ‘ Purposes of such Act; and by the fourthly recited Act it
 ‘ was enacted, that all the Provisions in the said last-recited
 ‘ Act contained relating to Lands, Tithes, or other Heredita-
 ‘ ments or Endowments belonging to Prebends not residentiary,
 ‘ should

‘ should apply also to all Lands, Tithes, and other Heredita-
 ‘ ments or Endowments belonging to the Office of Sacrist in any
 ‘ Collegiate Church or enjoyed by the Holder thereof in right
 ‘ of such Office, as fully and effectually as if such Office had
 ‘ been expressly named as subject to such Provisions: And
 ‘ whereas by the said thirdly recited Act it was enacted, that out
 ‘ of the Endowments, of whatsoever Kind, belonging to the said
 ‘ Collegiate Church of *Wolverhampton*, better Provision should
 ‘ be made by the Authority therein mentioned for the Cure of
 ‘ Souls in the Districts or Places with which the said Church is
 ‘ connected: And whereas under the Provisions of the said
 ‘ thirdly and fourthly herein-before recited Acts the said Deanery
 ‘ of *Wolverhampton*, on the Death of the Honourable and Very
 ‘ Reverend *Henry Lewis Hobart* Doctor of Divinity, the late
 ‘ Dean thereof, which happened on the Eighth Day of *May*
 ‘ One thousand eight hundred and forty-six, became suppressed:
 ‘ And whereas the Reverend *George Oliver* Doctor of Divinity,
 ‘ the late Sacrist and Perpetual Curate of the said Collegiate
 ‘ Church, vacated the said Offices by resigning the same on the
 ‘ Tenth Day of *April* One thousand eight hundred and forty-
 ‘ seven, and no Successor hath been appointed to the said
 ‘ Office of Sacrist, but the Reverend *John Osmond Dakeyne*
 ‘ Master of Arts hath been instituted to and is now the Perpetual
 ‘ Curate of the said Perpetual Curacy of *Saint Peter’s Wolver-*
 ‘ *hampton* aforesaid: And whereas by an Act passed in the
 ‘ Session of Parliament held in the Tenth and Eleventh Years
 ‘ of the Reign of Her present Majesty, intituled *An Act for* 10 & 11 Vict.
 ‘ *establishing a General Cemetery at Wolverhampton in the* c. cclxxv.
 ‘ *County of Stafford, and for making certain direct Roads and*
 ‘ *Approaches to the said Cemetery from the Town of Wolver-*
 ‘ *hampton and the Neighbourhood thereof*, it was amongst other
 ‘ things enacted, that the Incumbents or officiating Ministers
 ‘ for the Time being of the said Church of *Saint Peter* and the
 ‘ Chapels of *Saint John* and *Saint George* in *Wolverhampton*
 ‘ aforesaid should and they were thereby required to officiate as
 ‘ Ministers or Chaplains in the Performance of the Burial Ser-
 ‘ vice at the said Cemetery over the Bodies of Persons dying
 ‘ within the respective Ecclesiastical Districts of the said
 ‘ Churches or Chapels, and brought thence for Interment within
 ‘ the consecrated Portion of the said Cemetery, and that for the
 ‘ Performance of such Burial Service each of such Incumbents
 ‘ or officiating Ministers should receive a yearly Salary or Sti-
 ‘ pend of not less than the Sum of Twenty Pounds, over and
 ‘ above all Fees or Sums of Money payable to each such Incum-
 ‘ bent or officiating Minister under the Provisions of the now-
 ‘ reciting Act: And whereas the Monies already vested in
 ‘ pursuance of the Provisions contained in the herein-before
 ‘ recited Act called “*The Pelsall Mining Act*,” and standing in
 ‘ the Names of the Right Honourable and Most Reverend
 ‘ *William Howley* deceased, late Lord Archbishop of *Canterbury*,
 ‘ the said *Henry Lewis Hobart* deceased, and the said *George*
 ‘ *Oliver*, in the Books of the Governor and Company of the
 ‘ Bank

1 & 2 W. 4. c. 38.

58 G. 3. c. 45.

‘ Bank of *England*, amount to the Sum of Three thousand two
 ‘ hundred and eighty-three Pounds Fifteen Shillings and Eight-
 ‘ pence Three Pounds *per Centum* Consolidated Annuities, in
 ‘ part of the said Sum of Eight thousand Pounds, like Annuities,
 ‘ by the said Act directed to be invested as aforesaid, exclusive
 ‘ of a certain Sum of Three hundred and eighteen Pounds, or
 ‘ thereabouts, now in the Hands of and to be accounted for by
 ‘ the Executors of the said *Henry Lewis Hobart* deceased, and
 ‘ the Monies invested in pursuance of the Provisions contained
 ‘ in the said recited Act called “*Hobart’s Estate Act*,” and
 ‘ standing in the Names of the “Governors of the Bounty of
 ‘ Queen *Anne* for the perpetual Augmentation of the Mainte-
 ‘ nance of the Poorer Clergy,” in the Books of the Governor
 ‘ and Company of the Bank of *England*, amount to the Sum
 ‘ of Three thousand four hundred and fifty-five Pounds Twelve
 ‘ Shillings and Sixpence Three Pounds *per Centum* Consolidated
 ‘ Bank Annuities: And whereas the Parish of *Wolverhampton*
 ‘ aforesaid is divided into so much of the said Parish as is
 ‘ included in the District of *Ettingshall* and Sixteen other Dis-
 ‘ tricts, the Names of which said Districts respectively are set
 ‘ forth in the Schedule hereunto annexed: And whereas for the
 ‘ Purposes of Visitation and spiritual Superintendence One of
 ‘ the said Districts called the District of *Saint Peter’s Wolver-*
 ‘ *hampton* hath been assigned to the said Collegiate Church by
 ‘ the Lord Bishop of *Lichfield*, the Ordinary of the said Church,
 ‘ under the Provisions of an Act passed in the Session of Par-
 ‘ liament held in the First and Second Years of the Reign of His
 ‘ late Majesty King *William* the Fourth, intituled *An Act to*
 ‘ *amend and render more effectual an Act passed in the Seventh*
 ‘ *and Eighth Years of the Reign of His late Majesty, intituled*
 ‘ *‘ An Act to amend the Acts for building and promoting the*
 ‘ *building of additional Churches in populous Parishes,*’ but the
 ‘ said Perpetual Curate, in right of his said Perpetual Curacy
 ‘ is or claims to be entitled to the Perception of Surplice Fees
 ‘ throughout the whole Parish of *Wolverhampton* aforesaid:
 ‘ And whereas the Incumbent of the said Church of *Saint*
 ‘ *Peter Wolverhampton*, by virtue of such Incumbency, and
 ‘ under the Provisions of an Act passed in the Session of Parlia-
 ‘ ment held in the Fifty-eighth Year of the Reign of His late
 ‘ Majesty King *George* the Third, intituled *An Act for building*
 ‘ *and promoting the building of additional Churches in populous*
 ‘ *Parishes*, claims the Right of Patronage of the said District
 ‘ Churches or Chapels of *Saint George Wolverhampton* and *Saint*
 ‘ *Mary Bilston*, which it is expedient and the said Incumbent is
 ‘ willing should be transferred to the Bishop for the Time being
 ‘ of the Diocese in which such District Churches, or Chapels
 ‘ are respectively situate: And whereas the present Income of
 ‘ the Perpetual Curate of the Parish of *Wolverhampton* aforesaid
 ‘ consists of the Dividends arising from the said Two several
 ‘ Sums of Three thousand two hundred and eighty-three Pounds
 ‘ Fifteen Shillings and Eight-pence and Three thousand four
 ‘ hundred and fifty-five Pounds Twelve Shillings and Sixpence,
 ‘ and

‘ and of Surplice Fees arising from the whole Parish of *Wolver-*
 ‘ *hampton*, producing about Four hundred Pounds *per Annum*,
 ‘ and sundry small Endowments, which, including the said Sum
 ‘ of Twenty Pounds so payable by the said Cemetery Company,
 ‘ amount to a further Sum of Sixty-one Pounds Sixteen Shillings
 ‘ and Eight-pence, making together a total yearly Income of
 ‘ about Six hundred and sixty-five Pounds Six Shillings and
 ‘ Eight-pence, but which said Income would, upon the Com-
 ‘ pletion of the Investment of Eight thousand Pounds Consoli-
 ‘ dated Bank Annuities, according to the Provisions of the said
 ‘ Act called the “*Pelsall Mining Act*,” amount to about Eight
 ‘ hundred Pounds *per Annum*: And whereas there is no House
 ‘ of Residence nor any Land adapted for the Site of a House of
 ‘ Residence belonging to the said Perpetual Curacy: And
 ‘ whereas the Fabric of the Church of *Saint Peter Wolver-*
 ‘ *hampton* is in a State of great Dilapidation: And whereas it
 ‘ is expedient, and would be greatly conducive to the spiritual
 ‘ Interests of the Parish of *Wolverhampton* aforesaid, and to the
 ‘ better Cure of Souls therein, that new and further Arrange-
 ‘ ments should be made respecting the Constitution and
 ‘ Endowment of the several Districts in the said Parish of
 ‘ *Wolverhampton*; and the said Commissioners, with the Consent
 ‘ of the Reverend *John Lord Bishop of Lichfield*, as Ordinary of
 ‘ the said Parish, and Patron of the said Church of *Saint Peter*,
 ‘ and the said *John Osmond Dakeyne*, as Perpetual Curate of
 ‘ the said Parish, are desirous that the same should be made;
 ‘ and the said Commissioners have proposed certain Arrange-
 ‘ ments for effecting the Purposes aforesaid, to be carried into
 ‘ execution under their Control and Management; but the same
 ‘ cannot be carried into complete Effect without the Authority
 ‘ of Parliament:’ May it therefore please Your Majesty that it
 may be enacted; and be it enacted by the Queen’s most Excel-
 lent Majesty, by and with the Advice and Consent of the Lords
 Spiritual and Temporal, and Commons, in this present Parlia-
 ment assembled, and by the Authority of the same, That all the
 Provisions contained in the said Act called “*The Pelsall Mining*
Act,” for the Investment of One Fourth Part of the Rents to
 arise as in the said Act mentioned, and for the Application of the
 Rents, Dividends, and Profits of the Land or Stock directed
 to be purchased therewith, and also the Provisions contained in
 the said Act called “*The Hobart’s Estate Act*,” respecting the
 Residue of the Monies to arise from such Sale or Sales as in the
 said Act mentioned, after Payment of the Costs and Expenses
 therein specified, are hereby repealed; and the said several Sums
 of Three thousand two hundred and eighty-three Pounds Fifteen
 Shillings and Eight-pence and Three thousand four hundred and
 fifty-five Pounds Twelve Shillings and Sixpence Three Pounds
per Centum Consolidated Bank Annuities, and Three hundred
 and eighteen Pounds Sterling, and all other the Sum or Sums
 of Money and Stock invested or liable to be invested and due as
 aforesaid under and by virtue of the Provisions contained in the
 said Acts of Parliament herein-before referred to, and respectively
 called

Monies raised,
 &c. under *Pelsall*
Mining Act and
Hobart’s Estate
Act vested in
 Ecclesiastical
 Commissioners.

called the "*Pelsall Mining Act*," and "*Hobart's Estate Act*," and the Interest and Dividends due in respect of the same Sums respectively from the First Day of *May* now last past, shall immediately upon the passing of this Act become and be vested in the said Ecclesiastical Commissioners for *England*, for the Purposes and to be disposed of in the Manner expressed in the said thirdly recited Act of and concerning the Endowments of the said Collegiate Church of *Wolverhampton*, and subject thereto for their said Common Fund, and shall be transferred and paid to the said Commissioners by the said *George Oliver*, the Representatives of the said *Henry Lewis Hobart* deceased, and the Governors of *Queen Anne's Bounty* respectively, and other the Person or Persons in whose Name or Names the same may be now standing, or who now have or are entitled to the Order and Control or are liable to the Payment of the said several Sums or any Part thereof.

Office of Sacrist
of Collegiate
Church of Wol-
verhampton
abolished.

II. And be it declared and enacted, That the said Office of Sacrist of the said Collegiate Church of *Wolverhampton* shall be and the same is by this Act abolished, and all the Estates, Rents, Endowments, and other Emoluments (excepting any Rights of Patronage) formerly belonging or appertaining to the said Office in the said Collegiate Church of *Wolverhampton*, subject to any valid existing Lease or Leases thereof, and all other the Funds, Dividends, Fees, Emoluments, and Profits whatsoever belonging thereto, and also a certain Field or Parcel of Land numbered 1221 in the Tithe Commutation Map of the Township of *Wolverhampton* in the said Parish, forming Part of the Endowments of the said Perpetual Curacy, are and shall be vested in the said Commissioners, and shall be held by them and their Successors for the Purposes by the said thirdly-recited Act expressed concerning the Endowments late belonging to the said Collegiate Church of *Wolverhampton*, and subject thereto for their said Common Fund, freed and absolutely discharged of and from all and every the Claims or Demands of the said *John Osmond Dakeyne* and his Successors, Perpetual Curates of *Wolverhampton* aforesaid.

Constitution of
the Rectory of
Saint Peter's
Wolverhampton.

III. And be it enacted, That the District of the Parish of *Wolverhampton*, which has been so assigned to the Collegiate Church of *Saint Peter* as aforesaid, shall be and the same is by this Act constituted a Rectory; and the Reverend *John Osmond Dakeyne*, and his Successors, Incumbents of the said Church for the Time being, shall henceforth be and be styled Rectors of *Saint Peter's Wolverhampton*, and by that Name and Style shall have and enjoy all the Rights, Privileges, and Emoluments which would have belonged to the Perpetual Curate of *Saint Peter's Wolverhampton* aforesaid for the Time being, save and except so far as the same are otherwise appropriated or disposed of by the said thirdly and fourthly recited Acts or this Act; and the Minister for the Time being of each of the several other Districts of the said Parish of *Wolverhampton*, specified in the Schedule to this Act, and of the District of *Ettingshall* so far as the same is in the said Parish of *Wolverhampton*, shall immediately

diately after the present Minister thereof respectively shall have given his Consent to this present Act (to be testified by Writing under his Hand, and to be deposited and kept in the Registry of the Diocese,) be entitled to have and receive all the Surplice Fees arising or accruing within the same District, and as to the respective Ministers of the said Districts of *Saint John* and *Saint George*, in addition to the said yearly Stipend of Twenty Pounds apiece payable to them by the said *Wolverhampton General Cemetery Company*, freed and discharged from all Claim in respect thereof by the said Incumbent of *Saint Peter's Wolverhampton*.

IV. And be it enacted, That in consideration of the Premises the said Commissioners shall, out of the Endowments late belonging to the said Collegiate Church or the Common Fund vested and to be vested in them by the said thirdly and fourthly recited Acts or this Act, as the said Commissioners shall see fit, and under the Authority provided by the said thirdly recited Act, provide a Sum not exceeding Seven hundred and fifty Pounds for or towards the Purchase of a Site, and a Sum of One thousand five hundred Pounds for or towards the Erection of a suitable Rectory House for the said District of *Saint Peter's*, under the Sanction and Control of the said Commissioners, and to be conveyed to and vested in the Rector of *Saint Peter's* and his Successors Rectors of the said Rectory for ever; and the said Commissioners shall also out of such Endowments or Common Fund as aforesaid pay and allow to the said *John Osmond Dakeyne* and his Successors Rectors for the Time being of *Saint Peter's Wolverhampton* an annual Sum of Six hundred Pounds, to be payable and paid half-yearly on the First Day of *November* and the First Day of *May* in each and every Year, the first Payment to be made on the First Day of *November* One thousand eight hundred and forty-eight, as and for an additional Endowment of the said Rectory over and above the Fees to arise within the said District of *Saint Peter's*, and the said yearly Sum of Twenty Pounds payable from the said *Wolverhampton General Cemetery Company*, and all other Endowments belonging to the said Rectory: Provided always, that if at the End of Three Years from the said First Day of *May* next before the passing of this Act it shall appear to the Satisfaction of the said Commissioners that the average annual Income of the said Rectory during those Years, inclusive of the said annual Sum of Six hundred Pounds, shall not have amounted to Seven hundred and fifty Pounds, then and in that Case the said annual Sum of Six hundred Pounds shall be augmented by such Amount as with the said annual average Income during such Three Years will make up the said annual Sum of Seven hundred and fifty Pounds, and such augmented annual Sum shall thenceforth and for ever thereafter be payable to the Rector for the Time being of the said Rectory by the said Commissioners, out of the said Endowments of the said Collegiate Church, or of their Common Fund, as they may see fit, in lieu of the said annual Sum of Six hundred Pounds, and irrespective of any subsequent Variation in the annual

Ecclesiastical Commissioners to provide a Rectory House, and allow 750*l.* a Year to the Rector.

annual Income of the said Rectory; and then and in that Case also the said Commissioners shall at the End of the said Three Years, out of the said Endowments or Common Fund, pay to the said *John Osmond Dakeyne*, or the Incumbent of the said Rectory for the Time being, such an Amount as shall make up the Deficiency in the said Income for that Period; and if the said *John Osmond Dakeyne* shall by Death, Resignation, or otherwise have ceased to be Rector of the said Rectory during the said Term of Three Years, then such last-mentioned Amount shall be payable to the said *John Osmond Dakeyne* or his Representatives, and the succeeding Rector, in such Proportions, or wholly to one, exclusively of the other, as under the Circumstances shall to the said Commissioners appear just and proper: Provided also, that in case the said Commissioners shall at any Time or Times hereafter under the Authority provided by the said thirdly-recited Act endow the said Rectory of *Saint Peter's* with any of the Lands or Hereditaments or any Rent-charge or Rent-charges late belonging to the said Collegiate Church of *Wolverhampton* aforesaid, the said yearly Sum of Six hundred Pounds, or such augmented annual Sum to be paid in lieu thereof as aforesaid, shall thenceforth and at all Times thereafter be diminished by the net Amount of such Rent-charge or Rent-charges or of the net yearly Rental or Value of the Lands or Hereditaments at the Time or respective Times of such Endowment, such net Amount to be ascertained and defined by the Surveyor for the Time being of the said Commissioners by Certificate under his Hand to be deposited and kept in the Registry of the Diocese.

As to Performance of Burial Service at the General Cemetery.

V. And be it enacted, That the aforesaid Provision contained in the said fifthly-recited Act requiring the Incumbents or Officiating Ministers for the Time being of the said Collegiate Church of *Saint Peter* and the said Chapel of *Saint John* and *Saint George* in *Wolverhampton* aforesaid respectively to officiate as Minister or Chaplain in the Performance of the Burial Service at the said Cemetery is hereby repealed, except so far as regards the Burial of Persons dying within their respective Parishes or Districts; and the Incumbents or Officiating Ministers of the several other Ecclesiastical Parishes or Districts in *Wolverhampton* aforesaid shall and they are hereby required to officiate as Ministers or Chaplains in the Performance of the Burial Service at the said Cemetery over the dead Bodies of Persons dying within their respective Parishes or Districts, in like Manner and subject to the like Qualifications as the Incumbents or Officiating Ministers of *Saint Peter*, *Saint John*, and *Saint George* are by the said last-mentioned Act required to perform such Service, and which they are by this Act required still to perform in the Case of Persons dying in their respective Districts; and such Incumbents or Officiating Ministers respectively shall be entitled to the like Fees for the Performance of such Burials as are thereby made payable to the Officiating Ministers for Interments: Provided nevertheless, that nothing in this Act contained shall be construed to deprive the said Rector of *Saint Peter*

Peter or the respective Incumbents or Officiating Ministers of *Saint Peter, Saint John, and Saint George* for the Time being of his or their Right to receive the yearly Sum or Stipend of Twenty Pounds apiece, by the said Act made payable to them by the said Company, over and above the Burial Fees thereby made payable, but the same yearly Sums or Stipends shall continue payable to them in like Manner as if this Act had not been passed: Provided always, that this present Clause shall not take effect in any such Parish or District unless or until the *Wolverhampton* General Cemetery Company shall consent thereto by Writing under their Common Seal, to be deposited and kept in the Registry of the said Diocese.

VI. And be it enacted, That the said *John Osmond Dakeyne*, and his Successors Rectors of the said Rectory for the Time being, shall at all Times hereafter retain and employ One or more Curate or Curates to assist in the accustomed Ordinances and Services to be duly performed in the said Church of *Saint Peter*, and in the Cure of Souls in the said District, and that such Curate or Curates shall be nominated by the Rector for the Time being under and subject to the Orders and Regulations as to Licence and Duties and otherwise of the Bishop or Ordinary of the Diocese for the Time being and all other usual Laws and Regulations applicable to Stipendiary Curates: Provided always, that in case such Rector for the Time being shall neglect or fail to nominate a Spiritual Person to supply any Vacancy occasioned by the Death, Resignation, or Revocation of the Licence of any such Curate as aforesaid within the Space of Fifty Days after he shall have had Notice of such Vacancy, it shall be lawful for the Bishop of the Diocese to license a Curate or Curates for such Parish, and every Curate so licensed shall be entitled to have and receive all Stipends, Endowments, and other Emoluments belonging to or provided for such Curate as aforesaid from the Period of such Death, Resignation, or Revocation of Licence, in such and the same Manner as a Curate or Curates appointed and licensed to a Living under Sequestration is or are entitled to have, hold, and enjoy the same.

Rector to employ One or more Curates to officiate at *Saint Peter's*.

Bishop to appoint a Curate, in case of Neglect of Rector.

VII. And be it enacted, That it shall and may be lawful to and for the said Commissioners, under the Authority aforesaid, to allow and contribute at any Time or Times hereafter, out of such Estates and Property or Common Fund as aforesaid, such Sum or Sums of Money as shall be deemed by them the said Commissioners reasonable and necessary towards the Costs, Charges, and Expenses to be incurred in the necessary Reparation of the Church of *Saint Peter's Wolverhampton* aforesaid, but without Prejudice nevertheless to the Liability (if any) of the said Commissioners or the Liability of their Lessees to maintain in good and substantial Repair the Chancel of or belonging to the said Church.

Ecclesiastical Commissioners may contribute out of Estates towards Repair of *Saint Peter's* Church.

VIII. And be it enacted, That the Advowson, Right of Patronage to and of Nomination, Presentation, or Appointment of the Spiritual Persons to be Incumbents of the said District Churches or Chapels called *Saint George Wolverhampton* and *Saint*

Right of Patronage of *Saint George Wolverhampton* and of *Saint Mary*

Bilston vested
in the Bishop.

Saint Mary Bilston respectively, so far as the same was heretofore in any way vested in the Incumbent for the Time being of *Saint Peter's Wolverhampton* aforesaid, shall no longer be exercised by the said Perpetual Curate or the Rector of *Saint Peter's Wolverhampton* aforesaid, but that the Advowson, Right of Patronage to and of Nomination, Presentation, or Appointment of the Spiritual Persons to be from Time to Time Incumbents of the said District Churches or Chapels of *Saint George Wolverhampton* and *Saint Mary Bilston* respectively, shall from henceforth and for ever hereafter become and be transferred to and vested in and shall and may be held, possessed, and exercised by the Bishop for the Time being of the Diocese in which the same District Churches or Chapels are respectively situate.

One Set of Fees
only to be
payable.

IX. And be it enacted, That it shall be lawful for the Bishop of the Diocese and he is hereby directed, at such Time and in such Manner as he may see fit, to settle and adjust all Questions not settled by this Act respecting any double Surplice Fees at present payable in any of the Districts of *Wolverhampton* aforesaid, so and in such Manner that One Set of Fees only of such Amount as the said Bishop shall determine shall be payable in any Case or on any Occasion in any of the said Districts.

Saving Rights
of Clerk.

X. Provided, and it is hereby enacted, That nothing in this Act contained shall deprive the present Clerk of the Church of *Saint Peter's Wolverhampton* aforesaid of any Fees or Perquisites to which he is by Law or Custom entitled in or out of any of the said Districts, but from and after his Death, Resignation, or Removal all Fees to the Clerk of the Rectory of *Saint Peter's* payable from or out or in respect of any other District shall be and the same are hereby abolished.

Powers vested
in Her Majesty
in Council and
Ecclesiastical
Commissioners
by thirdly and
fourthly recited
Acts extended
to this Act.

XI. And be it enacted, That all the Powers and Authorities vested in Her Majesty in Council, and in the said Ecclesiastical Commissioners for *England*, by the said Two herein thirdly and fourthly recited Acts relating to the said Commissioners, and passed respectively in the Sessions of Parliament held in the Third and Fourth Years and in the Fourth and Fifth Years respectively of Her present Majesty's Reign with reference to the Matters therein respectively contained, and all other the Provisions of the same Acts relating to Schemes and Orders prepared, made, and issued for the Purposes thereof, and also all other the Provisions of the same Acts, so far as they are applicable and not inconsistent with or repugnant to anything herein contained, shall be extended and shall apply to all Matters contained in and all the Purposes of this Act as fully and effectually as if the said Powers, Authorities, and other Provisions were repeated herein.

As to Constitu-
tion of Districts
into separate
Parishes.

XII. And be it enacted, That, by such Authority as is provided by the said last-mentioned Acts, and at such Time or Times and from Time to Time, as by such Authority shall be deemed expedient, it shall be lawful to constitute and declare the several Districts and Parishes mentioned in the Schedule hereunto annexed, or any of them, or any other Districts or Parishes to be hereafter constituted in the said Parish of *Wolverhampton*,

Wolverhampton, to be separate Parishes and Vicarages and the Incumbents thereof Vicars, but on such Conditions and with such respective Grants of Money or Augmentation of Income, or without the same, as to them the said Commissioners shall appear expedient and reasonable, and as shall be directed by the like Authority; and that on every such District being constituted a Vicarage the then existing Incumbent shall be the first Vicar thereof, and that every such Vicar shall be a Corporation Sole, and may receive, take, and hold such Lands, Tithes, or other Hereditaments as are vested in him as Incumbent of the District so constituted a Vicarage at the Time of the passing of this Act, or any future Augmentation thereof, in as full, ample, and beneficial a Manner as any other Corporation Sole can receive, hold, and take the same.

XIII. And be it enacted, That nothing in this Act contained shall be construed to prejudice or affect the Right of Patronage or of Nomination, Presentation, or Appointment of the Rector of the said Rectory of *Saint Peter's*, or of any of the Incumbents or Ministers of the Churches or Chapels of the several other Districts in *Wolverhampton* aforesaid, except with respect to the Church or Chapel of *Saint George Wolverhampton*, and *Saint Mary Bilston*, so far as the Right of Patronage or Presentation is expressly transferred by this Act.

Saving Rights
of Patronage.

XIV. And be it enacted, That it shall be lawful, by the like Authority, and with the Consent of the Bishop of the Diocese for the Time being, at any Time or Times within Five Years from and after the passing of this Act, as to all Districts and new Parishes now existing in the said Parish of *Wolverhampton*, and as to all other Districts or new Parishes to be hereafter assigned or constituted in the said Parish within Five Years from the Date of the Licence of the Minister or Perpetual Curate first licensed to any such District or new Parish, to alter the Boundaries of such Districts or new Parishes; provided always that the Scheme for making any such Alteration shall be subject to all the Provisions contained in an Act passed in the Session of Parliament held in the Sixth and Seventh Years of Her present Majesty's Reign, intituled *An Act to make better Provision for the Spiritual* *Care of populous Parishes*, and in another Act passed in the Session of Parliament held in the Seventh and Eighth Years of Her present Majesty's Reign, intituled *An Act to explain* *and amend an Act for making better Provision for the Spiritual* *Care of populous Parishes*, relating to Schemes for constituting Districts thereunder, and that any Portion of any such District or new Parish which, by any such Alteration as aforesaid, shall become detached or excluded therefrom, shall to all Intents and Purposes again belong to and form Part of the Parish or District out of which such Portion was taken, upon such District or new Parish being originally constituted, or to and of any new District, as shall be determined by the like Authority.

Altering Boun-
daries.

6 & 7 Vict. c. 37.

7 & 8 Vict. c. 94.

XV. Provided also, and be it enacted, That nothing herein contained shall affect or in any Manner be construed to affect the Laws relating to the Relief, Maintenance, Settlement, or Management

Nothing herein
to affect the
Poor Laws or
Municipal
Regulations, &c.

Management of the Poor, nor any Municipal or Parliamentary Laws or Regulations, nor prejudice or affect any Rights, Trusts, or Privileges incident or relating to any Free School or any Almshouses or Hospitals, nor any Rights of Sepulture in any existing Churchyard, Burial Grounds, Vaults, and Catacombs, within the Limits of the said existing Parish of *Wolverhampton*, nor any Offices, Trusts, Rights, Privileges, or Capacities whatsoever, which the Parishioners for the Time being of the said Parish are, in respect of their being such Parishioners, eligible or entitled to or capable of exercising or enjoying.

Not to affect Church Rates, &c.

XVI. Provided also, and be it enacted, That nothing herein contained shall alter or affect any Law, Statute, or Custom relating to the making, levying, or applying Church or Chapel Rates within the Limits of the Parish of *Wolverhampton* aforesaid, or to the Election or Duties of Churchwardens or Chapelwardens for the Parish of *Wolverhampton* aforesaid, or for any Church or Chapel within the existing Limits thereof, so far as relates to such making, levying, or applying, nor increase or diminish any Liability of any Inhabitant of the said existing Parish of *Wolverhampton* in respect of any Church or Chapel Rates.

Expenses of Act, how to be paid.

XVII. And be it enacted, That the Expenses of carrying this Act into execution shall be borne and paid by the said Commissioners out of the Estates, Property, or Endowment late belonging to the said Collegiate Church of *Saint Peter Wolverhampton*, or the Common Fund aforesaid.

SCHEDULE.

Name of Church or District.	Estimated Amount of Population.	Accommodation in Churches.	Incumbents.	Patrons.	Residence or no Residence.
Wolverhampton : St. Peter's - under 1 & 2 W.4. c.38.	9,000	1,600, of which 559 free.	Rev.J.O.Dakeyne	The Bishop	No Residence.
St. George - under 58 G. 3. c. 45. a. 21.	7,000	2,300, of which 1,392 free.	Rev. J. B. Clare	Ditto -	No Residence.
St. James - under 1 & 2 W.4. c. 38.	5,000	1,200, of which 400 free.	Rev. T. Bromley	Five Trustees	Residence.
St. Mark's - under 6 & 7 Vict. c.37.	3,600	Church not completed.	Rev. A. B. Gould	Crown and Bishop.	No Residence.
St. Matthew's - under 6 & 7 Vict. c.37.	3,400	No Church -	Rev. A. P. Luscombe.	Ditto -	No Residence.
St. John's - under Local Act, 28 G. 2.	8,000	1,660, of which 260 free.	Rev.H.Pountney	The Earl of Stamford.	Residence.
St. Paul's - under 1 & 2 W.4. c.38.	4,000	1,400, of which between 500 and 600 free.	Rev. W. Dalton	Rev.Mr.and Mrs. Dalton.	Residence now building.

Name of Church or District.	Estimated Amount of Population.	Accommodation in Churches.	Incumbents.	Patrons.	Residence or no Residence.
St. Mary's - under 1 & 2 W.4. c 38.	7,000	1,000, of which 443 free.	Rev. G. Fraser -	Miss Hinkes	Residence.
Willenball -	6,000	620 private Property.	Rev. G. H. Fisher	Inhabitants	—
Willenball : Trinity - under 6 & 7 Vict. c. 37.	4,000	No Church -	Rev. Jas. Lecky	Crown and Bishop.	No Residence.
St. Stephen's - under 6 & 7 Vict. c. 37.	3,000	No Church -	Rev. W. Fletcher	Ditto -	No Residence.
Bilston : St. Leonard's -	5,500	2,200, of which 750 free.	Rev. J. H. Fletcher	Inhabitants	Residence.
St. Mary - under 59 G. 3. c. 134. s. 16.	8,060	1,500, of which 900 free.	Rev. J. B. Owen	Perpetual Curate of Wolverhampton.	No Residence.
St. Luke - under 6 & 7 Vict. c. 37.	4,400	No Church -	Rev. R. J. Heafield	Crown and Bishop.	No Residence.
Pelsall -	1,200	632, of which 484 free.	Rev. W ^m Jesse -	The Bishop	No Residence.
Wednesfield -	7,000	864, of which 360 free.	Rev. L. A. Parker	John Paget, Esq.	No Residence.

CAP. XCVI.

An Act to continue certain Turnpike Acts for limited Periods. [31st August 1848.]

‘ WHEREAS it is expedient that the several Acts herein-
‘ after specified should be continued for limited Times :’
Be it enacted by the Queen’s most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, That every Act now in
force for regulating, making, amending, or repairing any Turn-
pike Road in *Great Britain*, which will expire on or before the
End of the next Session of Parliament, shall be continued until
the First Day of *October* in the Year One thousand eight hun-
dred and forty-nine, and to the End of the then next Session
of Parliament, except as herein-after mentioned.

Continuance of
certain Acts re-
specting Turn-
pike Roads in-
Great Britain,
except as after
mentioned.

II. And be it enacted, That the following Acts, (*videlicet*,)
an Act passed in the Sixth Year of the Reign of King *George*
the Fourth, intituled *An Act for making and maintaining a*
Turnpike Road from Brompton and Earles Court in the Parish
of Saint Mary Abbott’s Kensington in the County of Middlesex,
to communicate with the Road called Fulham Fields Road at
North End in the same County ; and for making another Turn-
pike Road to communicate therewith from the High Road from
[No. 52. Price 2d.] 3 F London

6 G. 4. c. 160.
1 & 2 G. 4. c. 41.
7 G. 4. c. 90.
5 & 6 W. 4. c. 23.
and 3 & 4 W. 4.
c. 85. continued
till 1st Novem-
ber 1849 only.

London to Fulham in the said County; an Act passed in the Session of the First and Second Years of the Reign of King George the Fourth, intituled *An Act for more effectually repairing and improving the Road leading from Flimwell Vent in the Parish of Ticehurst in the County of Sussex to the Town and Port of Hastings in the said County*; an Act passed in the Seventh Year of the same Reign, intituled *An Act for making a Turnpike Road from Saint John's Chapel in the Parish of Saint Marylebone to the North-east End of Ballard's Lane, abutting upon the North Road in the Parish of Finchley, with a Branch therefrom, in the County of Middlesex*; an Act passed in the Session of the Fifth and Sixth Years of the Reign of King William the Fourth, intituled *An Act to incorporate the Avenue Road in the Parish of Saint Marylebone with the Marylebone and Finchley Turnpike Roads in the County of Middlesex*; and an Act passed in the Session of the Third and Fourth Years of the same Reign, intituled *An Act for continuing certain Powers to the Trustees of the New North Road, leading from the South End of Highbury Place, Islington, to Haberdashers Walk in the Parish of Saint Leonard Shoreditch, in the County of Middlesex*, shall continue in force until the First Day of November in the Year One thousand eight hundred and forty-nine, and no longer, unless Parliament shall in the meantime continue the said last-mentioned Acts.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XCVII.

An Act to repeal the Duties of Customs upon the Importation of Sugar, and to impose new Duties in lieu thereof. [4th September 1848.]

9 & 10 Vict.
c. 63.

Duties on Sugar and Molasses imposed by recited Act repealed, and in lieu thereof the Duties herein mentioned to be levied.

‘ WHEREAS by an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for granting certain Duties on Sugar and Molasses*, certain Duties of Customs were imposed upon the Importation of Sugar and Molasses: And whereas it is expedient that the said Duties should be repealed, and that other Duties should be raised and levied in lieu thereof:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Duties on Sugar and Molasses imposed by the said recited Act shall be and they are hereby repealed; and that from and after the Tenth Day of July One thousand eight hundred and forty-eight in lieu thereof there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, upon Sugar or Molasses already or hereafter to be imported into the United Kingdom, the several Duties of Customs as the same are respectively inserted, described, and set forth in Figures, and according to the respective Dates and Periods following; (that is to say,)

On

On Sugar or Molasses the Growth and Produce of any *British* Possession into which the Importation of Foreign Sugar is prohibited, being imported from any such Possession, the Duties following; (that is to say,)

	From and after 10 July 1848 to 5 July 1849 inclusive.	From and after 5 July 1849 to 5 July 1850 inclusive.	From and after 5 July 1850 to 5 July 1851 inclusive.	From and after 5 July 1851.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto, for every Cwt. - -	0 17 4	0 16 0	0 14 8	0 13 4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined, or equal to Refined, for every Cwt. - -	0 15 2	0 14 0	0 12 10	0 11 8
Muscovado, or any other Sugar, not being equal in Quality to White Clayed, for every Cwt. - - -	0 13 0	0 12 0	0 11 0	0 10 0
Molasses, for every Cwt. - - -	0 4 10	0 4 6	0 4 2	0 3 9

And so in proportion for any greater or less Quantity than a Hundred Weight.

And from and after the respective Days next herein-after mentioned,—

On Sugar or Molasses the Growth and Produce of any other *British* Possession, being imported from any such Possession, the Duties following; (that is to say,)

	From and after 10 July 1848 to 5 July 1849 inclusive.	From and after 5 July 1849 to 5 July 1850 inclusive.	From and after 5 July 1850 to 5 July 1851 inclusive.	From and after 5 July 1851 to 5 July 1852 inclusive.	From and after 5 July 1852 to 5 July 1853 inclusive.	From and after 5 July 1853 to 5 July 1854 inclusive.	From and after 5 July 1854.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto, for every Cwt. - -	1 2 0	1 0 4	0 18 8	0 17 0	0 16 4	0 15 4	0 13 4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal to Refined, for every Cwt. - -	0 18 4	0 16 11	0 15 5	0 14 0	0 13 5	0 12 10	0 11 8
Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Brown Clayed, and not equal to White Clayed, for every Cwt. - - -	0 17 0	0 15 8	0 14 4	0 13 0	0 12 5	0 11 10	0 10 0
Muscovado, or any other Sugar, not being equal in Quality to Brown Clayed Sugar, for every Cwt. -	0 15 9	0 14 6	0 13 3	0 12 0	0 11 6	0 11 0	0 10 0
Molasses, for every Cwt. -	0 5 10	0 5 5	0 4 11	0 4 6	0 4 4	0 4 2	0 3 9

And so on in proportion for any greater or less Quantity than a Hundred Weight.

On Sugar or Molasses the Growth and Produce of any Foreign Country, and on all Sugar or Molasses not otherwise charged with Duty, the Duties following; (that is to say,)

	From and after 10 July 1848 to 5 July 1849 inclusive.	From and after 5 July 1849 to 5 July 1850 inclusive.	From and after 5 July 1850 to 5 July 1851 inclusive.	From and after 5 July 1851 to 5 July 1852 inclusive.	From and after 5 July 1852 to 5 July 1853 inclusive.	From and after 5 July 1853 to 5 July 1854 inclusive.	From and after 5 July 1854
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Candy, Brown or White, Re- fined Sugar, or Sugar ren- dered by any Process equal in Quality thereto, for every Cwt. - -	1 6 8	1 4 8	1 2 8	1 0 8	0 19 4	0 17 4	0 13 4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal to Refined, for every Cwt. - -	1 1 7	0 19 10	0 18 1	0 16 4	0 15 2	0 14 0	0 11 8
Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Brown Clayed, and not equal to White Clayed, for every Cwt. - - -	1 0 0	0 18 6	0 17 0	0 15 6	0 14 6	0 13 0	0 10 0
Muscovado, or any other Sugar, not being equal in Quality to Brown Clayed Sugar, for every Cwt. -	0 18 6	0 17 0	0 15 6	0 14 0	0 13 0	0 12 0	0 10 0
Molasses, for every Cwt. -	0 6 11	0 6 4	0 5 9	0 5 3	0 4 10	0 4 6	0 3 9

And so in proportion for any greater or less Quantity than a Hundred Weight.

Bounties or Drawbacks upon the Exportation from the United Kingdom of the several Descriptions of Refined Sugar herein-after mentioned:

	From and after 10 July 1848 to 5 July 1849 inclusive.	From and after 5 July 1849 to 5 July 1850 inclusive.	From and after 5 July 1850 to 5 July 1851 inclusive.	From and after 5 July 1851
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Upon Refined Sugar in Loaf, complete and whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform White- ness throughout, or such Sugar pounded, crushed, or broken, or Sugar Candy, the Cwt.	0 16 4	0 15 0	0 13 9	0 12 6
Upon Bastard or Refined Sugar, broken in Pieces, or being ground or powdered Sugar, or such Sugar pounded or crushed or broken, for every Cwt. - - -	0 13 0	0 12 0	0 11 0	0 10 0

And so in proportion for any greater or less Quantity than a Hundred Weight.

II. Provided always, and be it enacted, That if at any Time satisfactory Proof shall have been laid before Her Majesty in Council, that as respects any *British* Possession the Importation of Foreign Sugar has been prohibited, it shall and may be lawful for Her Majesty, and She is hereby empowered, from Time to Time, by any Order or Orders in Council, to declare that Sugar and Molasses the Growth or Produce of any such *British* Possession may be imported from thence into the United Kingdom, and entered at the lower Rates of Duty herein-before imposed on Sugar and Molasses the Growth or Produce of *British* Possessions into which the Importation of Foreign Sugar is prohibited; and from and after the Publication of such Order, whilst the same shall continue in force, the Sugars and Molasses therein mentioned may be so imported and entered accordingly.

Her Majesty may, by Order in Council, allow Sugar and Molasses to be imported from *British* Possessions in the East Indies at the lower Rate of Duty when Importation of Foreign Sugar is prohibited.

III. Provided always, and be it enacted, That any Sugars or Molasses the Produce of any *British* Possession within the Limits of the *East India* Company's Charter in which the Importation of Foreign Sugar is or shall be prohibited, which shall be entered for Home Use at the lower Rates of Duty herein-before imposed on Sugar and Molasses the Produce of such Possessions, shall be entered in the same and the like Manner, and under the same or the like Conditions, in and under which Sugar the Growth of the Presidency of *Bengal* might be entered for Home Use, under the Provisions of an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the granting to His Majesty, until the Fifth Day of July One thousand eight hundred and thirty-seven, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-six*, at the lower Rate of Duty therein mentioned.

Such Sugar and Molasses to be entered at the lower Rates of Duty, upon the Conditions on which *Bengal* Sugar was admissible under 6 & 7 W. 4. c. 26.

IV. And be it enacted, That the several Duties, Bounties, and Allowances by this Act imposed and allowed shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, recovered, allowed, and applied or appropriated under the Provisions of an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for granting Duties of Customs*, and of another Act passed in the same Years, intituled *An Act to grant certain Bounties and Allowances of Customs*, and of any other Act or Acts in force relating to the Customs.

Collection of Duties to be under the Management of the Customs, under 8 & 9 Vict. c. 90. and 8 & 9 Vict. c. 92.

V. And be it enacted, That the Commissioners of Customs shall provide Samples of White Clayed Sugar, and of Sugar rendered by any Process equal in Quality to White Clayed Sugar, with reference to Colour, Grain, and Saccharine Matter, which Samples shall be deemed to be Standard Samples for the Purpose of comparing therewith such White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed Sugar, as from and after the passing of this Act may be entered for Home Consumption; and such Standard Samples shall

Commissioners of Customs to provide Standard Samples of White Clayed Sugar.

None to be deemed such unless it shall equal Standard Samples.

Commissioners of Customs to provide Standard Samples of Brown Clayed Sugar.

None to be deemed such unless it shall equal Standard Samples.

Sugar or Molasses imported or in Warehouse to be liable to the Duties imposed by this Act.

Orders in Council to be published in the Gazette.

Orders in Council may be revoked from Time to Time.

Copies of Orders in Council to be laid before Parliament.

Act may be amended, &c.

shall from Time to Time be renewed whenever the said Commissioners may deem it expedient; and no Sugar shall, as regards the Payment of Duty, be deemed or taken to be White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, unless it shall, with reference to Colour, Grain, and Saccharine Matter, equal the Standard Samples so respectively provided by the said Commissioners.

VI. And be it enacted, That the Commissioners of Customs shall provide Samples of Brown Clayed Sugar, and of Sugar rendered by any Process equal in Quality to Brown Clayed Sugar, which Samples shall be deemed to be Standard Samples, for the Purpose of comparing therewith such Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Brown Clayed Sugar, as from and after the passing of this Act may be entered for Home Consumption; and such Standard Samples shall from Time to Time be renewed whenever the said Commissioners may deem it expedient; and no Sugar shall, as regards Payment of Duty, be deemed or taken to be Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Brown Clayed Sugar, unless it shall equal the Standard Samples so respectively provided by the said Commissioners.

VII. And be it enacted, That all Sugar or Molasses imported, but not entered, or which shall have been warehoused without Payment of Duty on the first Importation thereof, and which shall be in Port or Warehouse at the respective Periods at which the Duties imposed by this Act shall become chargeable, shall be deemed and taken to be liable to the Duties so imposed by this Act; and the Rate or Rates of Duty chargeable by this Act upon Sugar or Molasses, from the Tenth Day of *July* One thousand eight hundred and forty-eight to the Fifth Day of *July* One thousand eight hundred and forty-nine, shall be deemed and taken to be applicable to Sugar or Molasses delivered for Home Consumption prior to the passing of this Act, and subsequently to the Tenth Day of *July* One thousand eight hundred and forty-eight.

VIII. And be it enacted, That every Order in Council to be made under the Authority of this Act shall, as soon as may be after the making thereof by Her Majesty in Council, be published in the *London Gazette*.

IX. And be it enacted, That it shall be lawful for Her Majesty, by an Order in Council, from Time to Time to revoke or alter any Order in Council previously made under the Authority of this Act.

X. And be it enacted, That a Copy of every Order of Her Majesty in Council made under the Authority of this Act shall be laid before both Houses of Parliament within Six Weeks after the issuing of the same, if Parliament be then sitting, and if not, then within Six Weeks after the Commencement of the then next Session of Parliament.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XCVIII.

An Act to amend the Law for the Trial of Election Petitions.
[4th September 1848.]

‘ **W**HEREAS it is expedient to amend the Law for the Trial of Election Petitions:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to amend the Law for the Trial of controverted Elections of Members to serve in Parliament*, shall be repealed, except as to any Act done or any Proceeding incident to any Election Petition presented under the said recited Act, all which Acts and Proceedings shall have effect, and shall, save as herein-after specially provided, be continued and completed as if this Act had not passed: Provided always, that this Enactment shall not revive an Act passed in the Ninth Year of the Reign of King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Trial of controverted Elections or Returns of Members to serve in Parliament*, repealed by the said Act, nor shall it revive so much of an Act passed in the Forty-second Year of the Reign of King George the Third, intituled *An Act for regulating the Trial of controverted Elections or Returns of Members to serve in the United Parliament for Ireland*, nor so much of an Act passed in the Forty-seventh Year of the Reign of King George the Third, intituled *An Act to amend several Acts for regulating the Trial of controverted Elections or Returns of Members to serve in Parliament*, so far as the same relate to Ireland, as requires the Parties appearing before any Select Committee to interchange before the said Committee Lists of the Votes and Names of Voters to which either of the Parties intends to object, and Statements in Writing respecting the Matters which either of the said Parties mean to insist upon, contend for, or to object to, or as provides that no Witness shall be called or examined to anything not specified in such Lists or Statements, also repealed by the firstly-recited Act.

7 & 8 Vict.
c. 103. repealed,
except as to
Acts done, &c.

Repeal of
7 & 8 Vict.
c. 103. not to
revive 9 G. 4.
c. 22. and cer-
tain Parts of
42 G. 3. c. 106.
and 47 G. 3.
c. 14.

II. And be it enacted, That every Petition presented to the House of Commons within the Time from Time to Time limited by the House for receiving Election Petitions, and complaining of an undue Election or Return of a Member to serve in Parliament, or complaining that no Return has been made according to the Requisition of any Writ issued for the Election of a Member to serve in Parliament, or complaining of the special Matters contained in any such Return, and which Petition shall be subscribed by some Person who voted or had a Right to vote at the Election to which the same relates, or by some Person claiming to have had a Right to be returned or elected thereat, or alleging himself to have been a Candidate at the Election, shall be deemed an Election Petition.

*Reception of
Petitions.*

What shall be
deemed Elec-
tion Petitions.

III. And

*Reception of
Petitions.*

Before Petition
presented Re-
cognizances to
be entered into.

III. And be it enacted, That before any Election Petition shall be presented to the House a Recognizance shall be entered into by One, Two, Three, or Four Persons, as Sureties for the Person subscribing such Petition, for the Sum of One thousand Pounds, in One Sum, or in several Sums of not less than Two hundred and fifty Pounds each, for the Payment of all Costs and Expenses which under the Provisions herein-after contained shall become payable by the Person subscribing the Petition to any Witness summoned in his Behalf, or to the sitting Member or other the Party complained of in such Petition, or to any Party who may be admitted to defend such Petition, as herein-after provided.

Persons enter-
ing into Recog-
nizances to
make Affidavits
of Sufficiency.

IV. And be it enacted, That every Person who enters into any such Recognizance shall testify upon Oath in Writing to be sworn at the Time of entering into the said Recognizance, and before the same Person by whom his Recognizance is taken, that he is seised or possessed of Real or Personal Estate (or both), above what will satisfy his Debts, of the clear Value of the Sum for which he is bound by his said Recognizance; and every such Affidavit shall be annexed to the Recognizance.

Form of Re-
cognizance as
set forth in
Schedule.

V. And be it enacted, That in every such Recognizance shall be mentioned the Names and usual Places of Residence or Business of the Persons becoming Sureties as aforesaid, with such other Description of the Sureties as may be sufficient to identify them easily; and such Recognizance may be in the Form or to the Effect set forth in the Schedule to this Act, with such Alteration as may be necessary to adapt such Form to the Circumstances of each Case.

Persons signing
Election Peti-
tion may pay
Money into the
Bank, instead of
finding Secu-
rity.

VI. And be it enacted, That any Person by whom an Election Petition is signed may, instead of procuring a Recognizance for the full Amount of the Sum herein-before required, pay into the Bank of *England*, to the Account of the Speaker and the Examiner of Recognizances, as Trustees for the like Purposes for which the Recognizance is herein-before required, any Amount of Money which he thinks fit, not being less than Two hundred and fifty Pounds; and in such Case the Person by whom the Petition is signed shall be required to find Sureties for so much only of the Sum of One thousand Pounds as the Sum paid into the Bank falls short of that Sum; and no Money shall be deemed for the Purposes of this Act to be paid into the Bank of *England* until a Bank Receipt or Certificate for the same is procured, and delivered to the Examiner of Recognizances.

No Petition to
be received
unless endorsed
by the Exa-
miner of Re-
cognizances.

VII. And be it enacted, That no Election Petition shall be received unless at the Time it is presented to the House it be endorsed by a Certificate under the Hand of the Examiner of Recognizances, that the Recognizance herein-before required has been entered into and received by him, with the Affidavit thereunto annexed, and, if the Recognizance have not been taken for the whole Amount, that a Bank Receipt or Certificate for so much Money as the Recognizance falls short of One thousand Pounds has been delivered to him, as herein-before required.

VIII. And

VIII. And be it enacted, That the Petitioner may, at any Time after the Presentation thereof, withdraw the same, upon giving Notice in Writing under his Hand, or under the Hand of his Agent, to the Speaker, and also to the sitting Member or his Agent, and also to any Party who may have been admitted to oppose the Prayer of such Petition, that it is not intended to proceed with the Petition; and in such Case the Petitioner shall be liable to the Payment of such Costs and Expenses as have been incurred by the sitting Member or other Party complained of in such Petition, and also by any Party admitted to oppose the Prayer of such Petition, to be taxed as herein-after provided.

*Reception
of Petitions.*

How Petitions
may be with-
drawn.

IX. And be it enacted, That the Speaker of the House of Commons shall appoint a fit Person to be Examiner of Recognizances; and every Person so appointed shall hold his Office during the Pleasure of the Speaker, and shall execute the Duties of his Office conformably to such Directions as he may from Time to Time receive from the Speaker.

*Examiner of
Recognizances.*

Speaker to ap-
point Examiner
of Recogn-
izances.

X. And be it enacted, That in case of the Illness, temporary Disability, or unavoidable Absence of the Examiner of Recognizances, the Speaker may appoint a fit Person to perform the Duties of Examiner of Recognizances during such Illness, Disability, or Absence; and throughout this Act the Expression "Examiner of Recognizances" shall be deemed to include and apply to the Person so appointed, and for the Time being performing such Duties.

In case of
Illness, &c. of
Examiner of
Recognizances,
Speaker to ap-
point a fit Per-
son to perform
the Duties.

XI. And be it enacted, That every Recognizance herein-before required shall be entered into, and every Affidavit herein-before required shall be sworn, before the Examiner of Recognizances or a Justice of the Peace, and the said Examiner, and also every Justice of the Peace, is hereby empowered to take the same; and every such Recognizance and Affidavit taken before a Justice, being duly certified under the Hand of such Justice, shall be delivered to the Examiner of Recognizances.

*Entering into
Recognizances.*

How Recogn-
izances are to
be entered into.

XII. And be it enacted, That on or before the Day when any such Petition is presented to the House the Names and Descriptions of the Sureties, when there are Sureties, as set forth in the Recognizance, shall be entered in a Book to be kept by the Examiner of Recognizances in his Office; and the said Book, and also the Recognizance and Affidavits, and the Bank Receipt for any Money paid into the Bank of *England*, shall be open to the Inspection of all Parties concerned.

Names of Sure-
ties, &c. to be
kept in Office
of Examiner of
Recognizances,
and to be open
to Inspection.

XIII. And be it enacted, That any sitting Member petitioned against, or any Electors petitioning and admitted Parties to defend the Election or Return, may object to any such Recognizance on the Ground that the same is invalid, or that the same was not duly entered into or received by the Examiner of Recognizances, with the Affidavit thereunto annexed as herein-before required, or on the Ground that the Sureties or any of them are insufficient, or that a Surety is dead, or that he cannot be found or ascertained from the Want of a sufficient Description in the Recognizance, or that a Person named in the Recognizance has not duly acknowledged the same; provided that the

Recognizance
may be objected
to for Invali-
dity, or for In-
sufficiency of
Sureties.

Ground

*Entering into
Recognizances.*

Ground of Objection shall be stated in Writing under the Hand of the objecting Party or his Agent, and shall be delivered to the Examiner of Recognizances within Ten Days or not later than Twelve of the Clock at Noon of the Eleventh Day after the Presentation of the Petition if the Surety objected to reside in *England*, or within Fourteen Days or not later than Twelve of the Clock at Noon of the Fifteenth Day after the Presentation of the Petition if the Surety objected to reside in *Scotland* or *Ireland*: Provided also, that if either such Eleventh or such Fifteenth Day happen to be a *Sunday*, *Good Friday*, or *Christmas Day*, it shall be sufficient if such Notice of Objection be delivered to the Examiner of Recognizances not later than Twelve of the Clock at Noon of the following Day.

Notice of Objections to be published in the Office of the Examiner, and Copies may be taken.

XIV. And be it enacted, That as soon as any such Statement of Objection is received by the Examiner of Recognizances he shall put up an Acknowledgment thereof in some conspicuous Part of his Office, and shall appoint a Day for hearing such Objections, not less than Three nor more than Five Days from the Day on which he received such Statement; and the Petitioner and his Agent shall be allowed to examine and take Copies of every such Objection.

Examiner of Recognizances to decide on the Objections.

XV. And be it enacted, That at the Time appointed the Examiner of Recognizances shall inquire into the alleged Objections, on the Grounds stated in the Notice of Objection, but not on any other Ground; and for the Purpose of such Inquiry the Examiner of Recognizances may examine upon Oath any Persons tendered by either Party for Examination by him, and may also receive in Evidence any Affidavit relating to the Matter in dispute before him, sworn before him, or before any Master of the High Court of Chancery or Justice of the Peace, each of whom is hereby authorized to take and certify such Affidavit; and the Examiner of Recognizances may, if he think fit, adjourn the said Inquiry from Time to Time until he decide on the Validity of such Objection, and he may, if he think fit, award Costs to be paid by either Party to the other, which Costs shall be taxed and recovered as herein-after provided for the Costs and Expenses of prosecuting or opposing Election Petitions; and the Decision of the Examiner of Recognizances shall be final and conclusive against all Parties.

In case of Death of a Surety, the Petitioner may pay the Money into the Bank.

XVI. And be it enacted, That if any Surety die, and his Death be stated as a Ground of Objection before the End of the Time allowed for objecting to Recognizances, the Petitioner may pay into the Bank of *England*, on the Account of the Speaker and the Examiner of Recognizances, the Sum for which the deceased Surety was bound; and upon the Delivery of a Bank Receipt for such Sum to the Examiner of Recognizances within Three Days after the Day on which the Statement of such Objection was delivered to the Examiner of Recognizances, the Recognizances shall be deemed unobjectionable, if no other Ground of Objection thereto be stated within the Time before mentioned for stating Objections to Recognizances.

XVII. And

XVII. And be it enacted, That if the Examiner of Recognizances have received any Statement of Objection to the Recognizances to any such Election Petition, and have decided that such Recognizances are objectionable, he shall forthwith report to the Speaker that such Recognizances are objectionable; but if he shall have decided that such Recognizances are unobjectionable, or if he have not received any such Statement of Objection, then, as soon as the Time herein-before allowed for stating any such Objection has elapsed after the Presentation of the Petition, or as soon thereafter as he has decided upon the Statement of Objection, the Examiner of Recognizances shall report to the Speaker that the Recognizances to such Petition are unobjectionable; and every such Report shall be final and conclusive to all Intents and Purposes; and he shall make out a List of all Election Petitions on which he has reported to the Speaker that the Recognizances are unobjectionable, in which List the Petitions shall be arranged in the Order in which they are so reported upon; and a Copy of such List shall be kept in the Office of the Examiner of Recognizances, and shall be open to the Inspection of all Parties concerned.

Entering into Recognizances.

Examiner of Recognizances to report whether or not Recognizances are objectionable.

XVIII. And be it enacted, That if at any Time before the Appointment of a Select Committee, as herein-after provided, to try any Election Petition, the Speaker of the House of Commons be informed, by a Certificate in Writing subscribed by Two of the Members of the said House, of the Death of any sitting Member whose Election or Return is complained of in such Petition, or of the Death of any Member returned upon a double Return whose Election or Return is complained of in such Petition, or that a Writ of Summons has been issued under the Great Seal of *Great Britain* to summon any such Member to Parliament as a Peer of *Great Britain*, or if the House of Commons have resolved that the Seat of any such Member is by Law become vacant, or if the House be informed, by a Declaration in Writing subscribed by any such Member, and delivered to the Speaker within Fourteen Days after the Day on which any such Petition was presented, that it is not the Intention of such Member to defend his Election or Return, in every such Case Notice thereof shall immediately be sent by the Speaker to the General Committee of Elections, and to the Members of the Chairmen's Panel, herein-after mentioned, and also to the Sheriff or other Returning Officer for the County, City, Borough, District of Burghs, Port or Place, to which such Petition relates; and such Sheriff or other Returning Officer shall cause a true Copy of such Notice to be affixed on or near the Door of the County Hall or Town Hall, or of the Parish Church, nearest to the Place where such Election has usually been held; and such Notice shall also be inserted, by Order of the Speaker, in one of the next Two *London Gazettes*, and shall be communicated by him to the House.

Admission of Parties to defend.

Proceedings when the Seat becomes vacant, or the sitting Member declines to defend his Return.

XIX. And be it enacted, That at any Time within Fourteen Days after the Day on which any Election Petition was presented, or within Twenty-one Days after the Day on which any

Voters may become a Party to oppose the Petition.

*Admission of
Parties to
defend.*

any Notice was inserted in the Gazette, to the Effect that the Seat is vacant, or that the Member returned will not defend his Election or Return, or if either of the said Periods expire during a Prorogation of Parliament, or during an Adjournment of the House of Commons for the *Easter* or *Christmas* Holidays, then, on or before the Second Day on which the House meets after such Prorogation or Adjournment, any Person who voted or had a Right to vote at the Election to which the Petition relates may petition the House of Commons, praying to be admitted as a Party to defend such Return, or to oppose the Prayer of such Petition; and such Person shall thereupon be admitted as a Party, together with the sitting Member, if he be then a Party against such Petition, or in the Room of such Member if he be not then a Party against the Petition; and every such Petition shall be referred by the House to the General Committee of Elections herein-after mentioned.

Members hav-
ing given Notice
of their Inten-
tion not to de-
fend, not to ap-
pear as Parties.

XX. And be it enacted, That whenever the Member whose Election or Return is so complained of in such Petition has given Notice as aforesaid of his Intention not to defend the same, he shall not be afterwards allowed to appear or act as a Party against such Petition in any Proceedings thereupon, and he shall also be restrained from sitting in the House of Commons or voting on any Question until such Petition has been decided upon.

Double Return.

Provision for
Cases of double
Return where
the Member
complained of
declines to de-
fend his Return.

XXI. And be it enacted, That if in the Case of an Election Petition complaining of a double Return the Member whose Return is complained of in such Petition have given Notice as aforesaid that it is not his Intention to defend his Return, and if no Party, within the Period herein-before allowed for that Purpose, have been admitted to defend such Return, then, if there be no Election Petition complaining of the other Member returned on such double Return, it shall be lawful for the last-mentioned Member or other the Persons who subscribed the Petition complaining of such double Return to withdraw such Petition by Letter addressed to the Speaker; and thereupon the Order for referring such Petition to the General Committee of Elections shall be discharged, and the House shall give the necessary Directions for amending the said double Return, by taking off the File the Indenture by which the Person so declining to defend his Return was returned, or otherwise, as the Case may require.

*General
Committee.*

At the Begin-
ning of every
Session the
Speaker to ap-
point a General
Committee.

XXII. And be it enacted, That in the First Session of every Parliament, on the Day after the last Day allowed by the House of Commons for receiving Election Petitions, and in every subsequent Session, as soon as convenient after the Commencement of the Session, the Speaker shall by Warrant under his Hand appoint Six Members of the House who are willing to serve, and against whose Return no Petition is then depending, and none of whom is a Petitioner complaining of any Election or Return, to be Members of a Committee to be called "The General Committee of Elections;" and every such Warrant shall be laid on the Table of the House, and, if not disapproved by the

the House in the course of the Three next Days on which the House meets for the Despatch of Business, shall take effect as an Appointment of such General Committee.

*General
Committee.*

XXIII. And be it enacted, That if the House disapprove any such Warrant the Speaker shall, on or before the Third Day on which the House meets after such Disapproval, lay upon the Table of the House a new Warrant for the Appointment of Six Members, qualified as aforesaid, and so from Time to Time until Six Members have been appointed by a Warrant not disapproved by the House.

If the House disapprove the first Appointment, a new Appointment to be made.

XXIV. And be it enacted, That the Disapproval of the Warrant may be either general in respect of the Constitution of the whole Committee, or special in respect of any Member named in the Warrant.

Disapproval may be general or special.

XXV. And be it enacted, That the Speaker may, if he think fit, name in the second or any subsequent Warrant any of the Members named in any former Warrant whose Appointment has not been specially disapproved by the House as aforesaid.

Members not disapproved may be again named in the Warrant.

XXVI. And be it enacted, That after the Appointment of the General Committee every Member appointed shall continue to be a Member of the Committee until the End of that Session of Parliament, or until he cease to be a Member of the House of Commons, or until he resign his Appointment (which he may do by Letter to the Speaker), or until the General Committee report that he is disabled by continued Illness from attending the Committee, or until the Committee be dissolved as hereinafter provided.

For what Time the Appointment shall be.

XXVII. And be it enacted, That in every Case of Vacancy in the General Committee of Elections the Speaker, on the First Day on which the House meets after such Vacancy is known by him, shall make known the Vacancy to the House, and thereupon all Proceedings of the General Committee shall be suspended until the Vacancy is supplied as herein-after provided.

Vacancies in General Committee to be made known to the House, and Proceedings suspended.

XXVIII. And be it enacted, That if the General Committee of Elections at any Time report to the House that, by reason of the continued Absence of more than Two of its Members, or by reason of irreconcilable Disagreement of Opinion, the said Committee is unable to proceed in the Discharge of its Duties, or if the House resolve that the General Committee of Elections be dissolved, the General Committee shall be thereby forthwith dissolved.

General Committee may be dissolved in certain Cases.

XXIX. And be it enacted, That every Appointment to supply a Vacancy in the General Committee, and every Re-appointment of the General Committee after the Dissolution thereof, shall be made by the Speaker by Warrant under his Hand, laid upon the Table of the House on or before the Third Day on which the House meets after the Dissolution of the Committee or Notification of the Vacancy (as the Case may be); and the Warrant shall be subject to the Disapproval of the House in the like Manner as is herein-before provided in the Case of the first Warrant for the Appointment of the General Committee;

How Vacancies shall be supplied, and Re-appointments made.

*General
Committee.*

Speaker to fix
the Time and
Place of First
Meeting of
Committee.
General Com-
mittee to be
sworn.

Members neces-
sary to enable
the Committee
to act

Committee to
regulate their
own Proceed-
ings.

Clerk to keep
Minutes of Pro-
ceedings, to be
laid before the
House.

During Suspen-
sion of Proceed-
ings Speaker
may adjourn any
Business before
the General
Committee.

Panels.

Members
wholly excused
from serving.

Names of Mem-
bers claiming to
be excused to
be called over.

Committee; and upon any Re-appointment of the General Committee the Speaker may, if he think fit, re-appoint any of the Members of the former Committee who are then willing and not disqualified to serve on it.

XXX. And be it enacted, That the Speaker shall appoint the Time and Place of the First Meeting of the General Committee of Elections, and the Committee shall meet at the Time and Place so appointed; but no Member shall act upon such Committee until he have been sworn at the Table of the House, by the Clerk, truly and faithfully to perform the Duties belonging to a Member of the said Committee, to the best of his Judgment and Ability, without Fear or Favour.

XXXI. And be it enacted, That no Business shall be transacted by the General Committee of Elections unless at the least Four Members thereof be then present together; and no Appointment of a Select Committee by the General Committee, to be made as herein-after provided, shall be of force unless at the least Four Members then present of the General Committee agree in the Appointment.

XXXII. And be it enacted, That, subject to the Provisions of this Act, the General Committee shall make Regulations for the Order and Manner of conducting the Business to be transacted by them.

XXXIII. And be it enacted, That the General Committee shall be attended by One of the Committee Clerks of the House selected for that Purpose by the Clerk of the House, and such Committee Clerk shall make a Minute of all the Proceedings of the Committee, in such Form and Manner as shall be from Time to Time directed by the Committee, and a Copy of the Minutes so kept shall be laid from Time to Time before the House of Commons.

XXXIV. And be it enacted, That if at the Time of the Dissolution or Suspension of the Proceedings of the General Committee of Elections there be any Business appointed to be transacted by such General Committee on any certain Day, the Speaker may adjourn the Transaction of such Business to such other Day as to him seems convenient.

XXXV. And be it enacted, That every Member more than Sixty Years old shall be wholly excused from serving on Election Committees, provided that on or before the reading over of the Names of such excused Members as herein-after mentioned, or upon his afterwards becoming entitled to make such Claim, he claim to be excused, by declaring in his Place, or in Writing under his Hand delivered to the Clerk at the Table, that he is more than Sixty Years old; but no Member shall be so excused who does not claim to be excused before he is chosen to serve, as herein-after provided.

XXXVI. And be it enacted, That in the First Session of every Parliament, on the next Meeting of the House after the last Day allowed for receiving Election Petitions, and in every subsequent Session on the next Meeting of the House after the Speaker has laid on the Table his Warrant for the Appointment
of

of the General Committee of Elections, the Clerk of the House shall read over the Names of all the Members who have so claimed to be excused.

XXXVII. And be it enacted, That every Member having Leave of Absence from the House shall be excused from serving on Election Committees during such Leave; and if any Member in his Place offer any other Excuse, either at the reading over of the said Names or at any other Time, the Substance of the Allegations shall be taken down by the Clerk, in order that the same may be afterwards entered on the Journals, and the Opinion of the House shall then be taken thereon; and if the House resolve that the said Member ought to be excused he shall be excused from serving on Election Committees for such Time as to the House seems fit, but no Member shall be so excused who does not claim to be excused before he is chosen to serve; and every Member who has served on One Election Committee, and who within Seven Days after such Committee has made its final Report to the House notifies to the Clerk of the General Committee his Claim to be excused from so serving again, shall be excused during the Remainder of the Session, unless the House at any Time resolve, upon the Report of the General Committee, that the Number of Members who have not so served is insufficient; but no Member shall be deemed to have served on an Election Committee who on account of Inability or Accident has been excused from attending the same throughout.

XXXVIII. And be it enacted, That every Member who is a Petitioner complaining of an undue Election or Return, or against whose Return a Petition is depending, shall be disqualified to serve on Election Committees during the Continuance of such Ground of Disqualification.

XXXIX. And be it enacted, That the Clerk of the House of Commons shall make out an alphabetical List of all the Members, omitting the Names of such Members as have claimed to be wholly excused from serving on Election Committees as aforesaid; and the Clerk shall also distinguish in such List the Name of every Member for the Time being excused or disqualified, and shall also note in the List every Cause of such temporary Excuse or Disqualification, and the Duration thereof; and such List shall be printed, and distributed with the Votes of the House, and the Names of all the Members so omitted shall be also printed, and distributed with the Votes.

XL. And be it enacted, That during Three Days next after the Day of the Distribution of such corrected List further Corrections may be made in such List by Leave of the Speaker, if it appear that any Name has been improperly left in or struck out of such List, or that there is any other Error in such List.

XLI. And be it enacted, That the List so finally corrected shall be referred to the General Committee of Elections; and the General Committee shall thereupon select, in their Discretion, Six, Eight, Ten, or Twelve Members, whom they think duly qualified to serve as Chairmen of Election Committees; and

Panel.
—

Members temporarily excused from serving.

Members temporarily disqualified from serving.

A corrected List, distinguishing the excused or disqualified Members, to be printed, and distributed with the Votes.

List may be further corrected during Three Days.

Selection of Members to serve as Chairmen of Election Committees.

Panels.
—

and the Members so selected shall be formed into a separate Panel, to be called the Chairmen's Panel, which shall be reported to the House; and while the Name of any Member is upon the Chairmen's Panel he shall not be liable or qualified to serve on an Election Committee otherwise than as Chairman; and every Member placed on the Chairmen's Panel shall be bound to continue upon it till the End of the Session, or until he sooner cease to be a Member of the House, or until, by Leave of the House, he be discharged from continuing upon the Chairmen's Panel: Provided always, that every Member of the Chairmen's Panel who has served on One or more Election Committees, and who notifies to the Clerk of the General Committee of Elections his Claim to be discharged from continuing upon the Chairmen's Panel, shall be so discharged accordingly; and every such Member shall be excused from serving upon any Election Committee, either as Chairman or otherwise, during the Remainder of the Session; but no Member of the Chairmen's Panel shall be deemed to have served on an Election Committee who on account of Inability or Accident has been excused from attending the same throughout.

List to be divided into Five Panels.

XLII. And be it enacted, That after the Chairmen's Panel has been so as aforesaid selected, the General Committee shall divide the Members then remaining on such List into Five Panels, in such Manner as to them seems most convenient, but so nevertheless that each Panel may contain as nearly as may be the same Number of Members, and they shall report to the House the Division so made by them; and the Clerk shall decide by Lot at the Table the Order of the Panels as settled by the General Committee, and shall distinguish each of them by a Number denoting the Order in which they were drawn; and the Panels shall then be returned to the General Committee of Elections, and shall be the Panels from which Members shall be chosen to serve on Election Committees.

General Committee to correct the Panels from Time to Time.

XLIII. And be it enacted, That the General Committee of Elections shall correct the said Panels from Time to Time by striking out of them the Name of every Member who ceases to be a Member of the House, or who from Time to Time becomes entitled and claims as aforesaid to be wholly excused from serving on Election Committees, and by inserting in One of the Panels to be chosen by the General Committee, at their Discretion, the Name of every new Member of the House not entitled and not having claimed as aforesaid to be wholly excused, and shall also from Time to Time distinguish in the Manner aforesaid in the said Panels the Names of the Members for the Time being excused or disqualified for any of the Reasons aforesaid; and the General Committee shall, as often as they think fit, report to the House the Panels as corrected; and as often as the General Committee reports the said Panels to the House they shall be printed, and distributed with the Votes.

Power to transfer to another Panel the Names of Mem-

XLIV. And be it enacted, That when Leave of Absence for a limited Time has been granted by the House to any Member, the General Committee of Elections may transfer the Name of
such

such Member from the Panel in which it has been placed to some other Panel subsequent in Rotation, if they think fit so to do, having regard to the Length of Time for which such Leave of Absence has been granted, and to the Number of Select Committees then about to be appointed.

Members obtaining
Leave of
Absence.

XLV. And be it enacted, That whenever any Member of the Chairmen's Panel ceases to be a Member of the House, or is by Leave of the House discharged from continuing upon the Chairmen's Panel, or is so discharged by reason of Service under the Provision herein-before contained, the General Committee shall forthwith select another Member to be placed upon the Chairmen's Panel in his Room; and in case it at any Time appear to the General Committee that the Chairmen's Panel is too small, they may select Two, Four, or Six additional Members to place upon it, so nevertheless that the Chairmen's Panel shall not at any Time consist of more than Eighteen Members, without the Leave of the House first obtained.

For supplying
Vacancies, and
increasing the
Chairmen's
Panel.

XLVI. And be it enacted, That all Election Petitions received by the House shall be referred by the House to the General Committee of Elections, for the Purpose of choosing Select Committees, as herein-after provided, to try such Petitions; and the Speaker shall communicate to the House and to the General Committee every Report by the Examiner of Recognizances to him concerning the Recognizances to any Election Petition; and in every Case in which any Election Petition is withdrawn, or the Examiner of Recognizances reports to the Speaker that the Recognizances are objectionable, the Order for referring such Petition to the General Committee of Elections shall be discharged, and no further Proceeding shall be had upon such Petition; and the General Committee shall make out a List of all Election Petitions in which the Examiner of Recognizances has reported to the Speaker that the Recognizances are unobjectionable, and in which the Proceedings are not suspended, in which List the Petitions shall be arranged in the Order in which they were so reported upon; and in every Case in which the Proceedings in any Petition inserted in such List are afterwards suspended the Petition shall be struck out of the List, and shall be again inserted at the Bottom of the List at the End of such Suspension of Proceedings.

*Appointment of
Select
Committees.*

Election Peti-
tions to be re-
ferred to the
General Com-
mittee;

who shall make
out a List of
the same.

XLVII. And be it enacted, That when Notice of the Death or Vacancy of the Seat of any Member petitioned against, or that it is not the Intention of such Member to defend his Election or Return, is given to the General Committee of Elections by the Speaker, as herein-before provided, the General Committee shall suspend their Proceedings in the Matter of the Petition referred to in such Notice, until Twenty-one Days after the Day on which Notice of such Death or Vacancy, or Intention not to defend, has been inserted in the Gazette, under the Provision herein-before contained, unless the Petition of some Person claiming to be admitted as a Party in the Room of such Member be sooner referred to them.

Where Notice
of Vacancy, or
that the sitting
Member de-
clines to defend
his Return, is
received by the
General Com-
mittee, Pro-
ceedings to be
suspended.

*Appointment of
Select
Committees.*

Provision for
Cases where
more than One
Petition.

Committees to
be chosen for
Petitions ac-
cording to their
Order in the
List.

Committees to
be appointed
for Petitions
standing over on
a Prorogation
of Parliament.

Notice of Time,
&c. when any
Committee will
be chosen shall
be published
with the Votes.

Notice of Sus-
pension of Pro-

XLVIII. And be it enacted, That when more than One Election Petition relating to the same Election or Return are referred to the General Committee of Elections, they shall suspend their Proceedings in the Matter of all such Petitions until the Report of the Examiner of Recognizances upon each of such Petitions, or such of them as have not been withdrawn, is received by them; and upon Receipt of the last of such Reports they shall place such Petitions at the Bottom of the then List of Election Petitions, bracketed together, and such Petitions shall afterwards be dealt with as One Petition.

XLIX. And be it enacted, That the General Committee of Elections shall choose the Committees to try the Election Petitions standing in the said List of Petitions in the Order in which such Petitions stand in such List, and they shall from Time to Time determine how many Committees shall be chosen in each Week for trying such Petitions, and the Days on which they will meet for choosing such Committees, having regard to the Number of Select Committees which may then be sitting for the Trial of Election Petitions, and to the whole Number of such Committees then to be appointed, and they shall report to the House from Time to Time the Days appointed by them for choosing such Committees.

L. And be it enacted, That if Parliament is prorogued after any Election Petition has been presented, but before the Appointment of a Select Committee to try such Petition, the General Committee of Elections appointed in the following Session shall, within Two Days after their First Meeting, in case the Sureties have been then reported unobjectionable, appoint a Day and Hour for selecting a Committee to try the Petition so standing over as aforesaid: Provided always, that if the Number of Petitions so standing over be so great that the Times for selecting Committees to try the whole thereof cannot, in the Judgment of the General Committee, be conveniently appointed within Two Days after their First Meeting, the said General Committee shall, within Two Days after their First Meeting, appoint the Times for selecting Committees to try so many of the said Petitions as the said General Committee deems convenient, and shall afterwards, from Time to Time, as soon as conveniently may be, appoint the Times for selecting the Committees to try the Remainder of such Petitions.

LI. And be it enacted, That Notice of the Time and Place at which the Committee will be chosen to try any Election Petition shall be published with the Votes, not less than Fourteen Days before the Day on which such Committee is appointed to be chosen; and in case the Conduct of the Returning Officer is complained of, such Notice shall be sent to him through the Post, not less than Fourteen Days before the Day on which such Committee is appointed to be chosen; and every such Notice shall direct all Parties interested to attend the General Committee of Elections, by themselves or their Agents, at the Time and Place appointed for choosing the Select Committee; and if (after any such Notice has been published with the Votes,

or

or sent to the Returning Officer as aforesaid,) the Proceedings in the Matter of such Petition become suspended, Notice of such Suspension shall be immediately published with the Votes; and in case the Conduct of the Returning Officer is complained of, such Notice shall be sent to him through the Post.

ceedings to be published; and sent to Returning Officer by Post.

LII. Provided always, and be it enacted, That if Notice of the Death or Vacancy of the Seat of any Member petitioned against, or that it is not the Intention of such Member to defend his Election or Return, have been inserted in the Gazette, by Order of the Speaker, as herein-before provided, and no Party has been admitted to defend such Election or Return, then, if the Conduct of the Returning Officer is not complained of in such Petition, it shall not be necessary to insert such Petition at the Bottom of the then List of Petitions, but the General Committee of Elections shall meet for choosing the Select Committee to try such Petition as soon as conveniently may be after the Expiration of the Time allowed for Parties to come in to defend such Election or Return, and not less than One Day's Notice of the Time and Place appointed for choosing such Committee shall be given in the Votes; and in such Case it shall not be necessary to deliver to the Clerk of the General Committee of Elections a List of the Voters intended to be objected to, as herein-after is required in other Cases.

Provision for Cases where the sitting Member does not defend, and no Party has been admitted to defend.

LIII. And be it enacted, That the General Committee of Elections may change the Day and Hour appointed by them for choosing a Select Committee to try any Election Petition, and appoint some subsequent Day and Hour for the same, if in their Judgment it be expedient so to do, giving Notice in the Votes of the Day and Hour so subsequently appointed; and in every Case in which any such Change is made by them they shall forthwith report the same to the House, with their Reasons for making such Change.

General Committee empowered to change the Day for choosing Election Committee.

LIV. And be it enacted, That Notice shall be published with the Votes of the Petitions appointed for each Week, and of the Panel from which Committees will be chosen to try such Petitions, and each Panel shall serve for a Week, beginning with the Panel first drawn, and continuing by Rotation in the Order in which they were drawn, and not reckoning those Weeks in which no Select Committee is appointed to be chosen.

Notice of Petitions and Panels.

LV. And be it enacted, That the Parties complaining of or defending the Election or Return complained of in any Election Petition shall, except in the Case herein-before provided for, by themselves or their Agents, deliver in to the Clerk of the General Committee Lists of the Voters intended to be objected to, giving in the said Lists the several Heads of Objection, and distinguishing the same against the Names of the Voters excepted to, not later than Six of the Clock in the Afternoon on the Sixth Day next before the Day appointed for choosing the Committee to try the Petition complaining of such Election or Return; and the said Clerk shall keep the Lists so delivered to him in his Office open to the Inspection of all Parties concerned.

Lists of Voters intended to be objected to shall be delivered to the Clerk of the General Committee.

Committee for trying Petitions to be chosen.

LVI. And be it enacted, That the General Committee shall meet at the Time and Place appointed for choosing the Committee to try any Election Petition, and shall choose from the Panel in Service Four Members, not being then excused or disqualified for any of the Causes aforesaid, and not specially disqualified for being appointed on the Committee to try such Petition for any of the following Causes; (that is to say,) by reason of having voted at the Election, or by reason of being the Party on whose Behalf the Seat is claimed, or related to him or to the sitting Member by Kindred or Affinity in the First or Second Degree according to the Canon Law.

In case General Committee do not agree in choosing a Committee to try the Petition, they shall adjourn.

LVII. And be it enacted, That if at the least Four Members then present of the General Committee of Elections do not agree in choosing a Committee to try any Election Petition the General Committee shall adjourn the choosing of that Committee, and of the remaining Committees appointed to be chosen on the same Day, to the following Day, and the Parties shall be directed to attend on the following Day, or if such following Day happen during an Adjournment of the House, then on the Day to which the House stands adjourned, and so from Day to Day until all such Committees are chosen, or until the General Committee of Elections is dissolved, as herein-before provided; and the General Committee shall not in any Case proceed to choose a Committee to try an Election Petition until they have chosen a Committee to try every other Election Petition standing higher in the List aforesaid, the Order for referring which has not been then discharged, except in the Case where the Day originally appointed for choosing a Committee has been changed under the Provision herein-before contained.

Chairman to be chosen by the Members on the Chairmen's Panel, and his Name communicated to the General Committee.

LVIII. And be it enacted, That on the Day appointed by the General Committee to choose an Election Committee the Members upon the Chairmen's Panel shall select One of such Members to act as the Chairman of such Election Committee, and when they have been informed by the General Committee that Four Members of such Election Committee have been chosen they shall communicate the Name of the Member so selected by them to the General Committee; but no Member shall be so selected who would be disqualified from serving on such Committee if not upon the Chairmen's Panel: Provided always, that if, with reference to any Petition for trying which they are about to appoint a Chairman, the Members of the Chairmen's Panel receive Notice from the Speaker, under the Provision herein-before contained, of the Death or Vacancy of the Seat of the sitting Member petitioned against in such Petition, or that it is not his Intention to defend his Seat, they shall suspend their Proceedings with regard to the Appointment of a Chairman to try such Petition until the Day appointed by the General Committee of Elections for selecting a Committee to try such Petition.

Members upon Chairmen's

LIX. And be it enacted, That the Members upon the Chairmen's Panel may from Time to Time make such Regulations as they

they find convenient for securing the Appointment or Selection of Chairmen of Election Committees, and for distributing the Duties of Chairmen among all of them.

Panel to make Regulations.

LX. And be it enacted, That as soon as the General Committee of Elections has chosen Four Members of a Committee to try any Election Petition, and has received from the Members of the Chairmen's Panel the Name of a Chairman to serve on such Committee, the Parties in attendance shall be called in, and the Names of the Members so chosen and of the Chairman shall be read over to them.

When Committee chosen, the Parties to be called in to hear the Names read over.

LXI. And be it enacted, That after hearing the said Names the Parties present shall be directed to withdraw, and the General Committee may proceed to choose another Committee to try the next Petition appointed for that Day, and so on until all the Committees appointed to be chosen on that Day are chosen, or until the choosing of any Committee is adjourned as aforesaid; and after any such Adjournment the General Committee shall not transact any more Business on that Day, except with regard to those Petitions for trying which Committees have been previously chosen.

General Committee to proceed in order with all the Petitions appointed for that Day.

LXII. And be it enacted, That within One Half Hour at furthest from the Time when the Parties to any Election Petition have withdrawn, or if the Parties to any other Election Petition be then before the General Committee of Elections, then, after such other Parties have withdrawn, the Parties in attendance shall be again called before the General Committee in the same Order in which they were directed to withdraw; and the Petitioners and sitting Member, or such Party as may have been admitted as aforesaid to defend the Return or Election, or their Agents, beginning on the Part of the Petitioners, may object to all or any of the Members chosen, or to the Chairman, as being then disqualified or excused for any of the Reasons aforesaid from serving on the Committee for the Trial of that Election Petition, but not for any other Reason.

Within a certain Time Parties may object to Members on account of Disqualification.

LXIII. And be it enacted, That if at the least Four Members then present of the General Committee be satisfied that any Member so objected to is then disqualified or excused for any of the Reasons aforesaid, the Parties present shall be again directed to withdraw, and the General Committee shall proceed to choose from the same Panel another Committee to try that Petition; or if the Member to whom any such Objection is substantiated be the Chairman, they shall send back his Name to the Members on the Chairmen's Panel, and the Members on the Chairmen's Panel shall proceed to choose another Chairman to try that Petition, and shall communicate his Name to the General Committee, and so as often as the Case requires.

If General Committee allow the Disqualification, a new Committee to be chosen.

LXIV. And be it enacted, That in the Second or any following Committee the General Committee may, if they think fit, include any of the Members previously chosen by them to whom no Objection has been substantiated; and no Party shall be allowed to object to any Member included in the Second or

In the new Committee, Members not before objected to may be included.

*Appointment of
Select
Committees.*

When Committee chosen, Notice to be sent to every Member thereof.

If any Member chosen proves a Disqualification, another Committee to be chosen.

Select Committee to be reported to the House.

Members of Select Committee to be sworn.

any following Committee who was not objected to when included in the Committee first chosen to try that Petition.

LXV. And be it enacted, That when Four Members and a Chairman have been chosen, to none of whom any Objection has been substantiated, the Clerk of the General Committee of Elections shall give Notice thereof in Writing to each of the Members so chosen; and with every such Notice shall be sent a Notice of the general and special Grounds of Disqualification and Excuse from serving herein-before mentioned, and of the Time and Place when and where the General Committee will meet on the following Day; and Notice of the Time and Place of such Meeting shall be published with the Votes.

LXVI. And be it enacted, That the General Committee shall meet on the following Day at the Time and Place mentioned in such Notice as last aforesaid; and if any such Member then and there prove, to the Satisfaction of at least Four Members then present of the General Committee, that for any of the Reasons aforesaid he is disqualified or excused from serving on the Committee for which he has been so chosen, or if any such Member prove, to the Satisfaction of at least Four Members then present of the General Committee, that there are any Circumstances in his Case which render him ineligible to serve on such Select Committee, such Circumstances having regard, not to his own Convenience, but solely to the impartial Character of the Tribunal, the General Committee shall proceed to choose a new Committee to try that Petition, in like Manner as if that Member had been objected to by any Party to the Petition; and if within the Space of One Quarter of an Hour after the Time mentioned in the Notice no Member so appear, or if any Member so appearing do not prove his Disqualification or Excuse, to the Satisfaction of at least Four Members then present of the General Committee, the Select Committee shall be taken to be appointed.

LXVII. And be it enacted, That at the Meeting of the House of Commons for the Despatch of Business next after any such Select Committee has been appointed the General Committee of Elections shall report to the House the Names of the Select Committee appointed, and shall annex to such Report all Petitions referred to them by the House which relate to the Return or Election of which such Select Committee is appointed to try the Merits, and all Lists of Voters which shall have been delivered to them by either Party, and such Report shall be published with the Votes.

LXVIII. And be it enacted, That at or before Four of the Clock on the next Day on which the House meets for the Despatch of Business after such Report the Five Members chosen to be the Select Committee shall attend in their Places, and shall before departing the House be sworn at the Table by the Clerk well and truly to try the Matter of the Petitions referred to them, and a true Judgment to give according to the Evidence, and shall be taken to be a Select Committee legally appointed

appointed to try and determine the Merits of the Return or Election so referred to them by the House, and the Legality of such Appointment shall not be called in question on any Ground whatever; and the Member so appointed from the Chairmen's Panel shall be the Chairman of such Committee; and they shall not depart the House until the Time for the meeting of such Committee is fixed by the House, as herein-after provided.

*Appointment of
Select
Committees.*
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LXIX. And be it enacted, That if any Member of the said Select Committee do not attend in his Place within One Hour after Four of the Clock on the Day appointed for swearing the said Committee (provided the House sits so long, or if not, then within the like Time on the following Day of sitting), or if, after attending, any Member depart the House before the said Committee is sworn, unless the Committee be discharged, or the swearing of the said Committee be adjourned, as herein-after provided, he shall be ordered to be taken into the Custody of the Serjeant at Arms attending the House, for such Neglect of his Duty, and shall be otherwise punished or censured, at the Discretion of the House, unless it appear to the House, by Fact specially stated, and verified upon Oath, that such Member was by a sudden Accident or by Necessity prevented from attending the House.

Members of
Committee not
present within
One Hour after
Four o'Clock
to be taken into
Custody by the
Serjeant at
Arms.

LXX. And be it enacted, That if any such absent Member be not brought into the House within Three Hours after Four of the Clock on the Day first appointed for swearing the said Committee (provided the House sits so long, or if not, then within the like Time on the following Day of sitting), and if no sufficient Cause be shown to the House before its rising whereon the House dispenses with the Attendance of such absent Member, the swearing of the Committee shall be adjourned to the next Meeting of the House; and all the Members of the said Committee shall be bound to attend in their Places, for the Purpose of being sworn, on the Day of the next Meeting of the House, in like Manner as on the Day first appointed for that Purpose.

If any such
Member is not
present within
Three Hours
after Four
o'Clock, the
Proceedings to
be adjourned.

LXXI. And be it enacted, That if on the Day to which the swearing of the said Committee is so adjourned all the Members of the Committee do not attend, and be sworn, within One Hour after Four of the Clock (provided the House sits so long, or if not, then within the like Time of the following Day of sitting), or if on the Day first appointed for swearing the said Committee sufficient Cause be shown to the House before its rising why the Attendance of any Member of the Committee should be dispensed with, the said Committee shall be taken to be discharged; and the General Committee shall meet on the following Day, or if such following Day happen during an Adjournment of the House, then on the Day to which the House stands adjourned, and shall proceed to choose a new Committee from the Panel on Service for the Time being, in the Manner herein-before provided, and Notice of such Meeting shall be published with the Votes.

If all the Mem-
bers do not
attend after
Adjournment,
the Committee
to be dis-
charged.

*Proceedings of
Election
Committees.*

Petitions and
Lists to be re-
ferred to Com-
mittee, and
Time and Place
of meeting
appointed by
the House.

Committee not
to adjourn for
more than
Twenty-four
Hours without
Leave of the
House.

Evidence to be
confined to
Objections spe-
cified in the
Lists.

No Member
of Committee
to absent him-
self.

Committee not
to sit until all
be met.

On Failure of
all meeting
within One
Hour, to ad-
journ.

LXXII. And be it enacted, That the House shall refer the Petitions and Lists annexed to the Report of the General Committee of Elections to the Select Committee so appointed and sworn, and shall order the said Select Committee to meet at a certain Time to be fixed by the House, which shall be within Twenty-four Hours of their being sworn at the Table of the House, unless a *Sunday, Christmas Day, or Good Friday* intervene; and the Place of their meeting shall be some convenient Room or Place adjacent to the House of Commons properly prepared for that Purpose.

LXXIII. And be it enacted, That every such Select Committee shall meet at the Time and Place appointed for that Purpose, and shall proceed to try the Merits of the Election Petition so referred to them, and they shall sit from Day to Day, *Sunday, Christmas Day, and Good Friday* only excepted, and shall never adjourn for a longer Time than Twenty-four Hours, unless a *Sunday, Christmas Day, or Good Friday* intervene, and in such Case not for more than Twenty-four Hours, exclusive of such *Sunday, Christmas Day, or Good Friday*, without Leave first obtained from the House, upon Motion, and special Cause assigned for a longer Adjournment; and if the House be sitting at the Time to which such Select Committee is adjourned, then the Business of the House shall be stayed, and a Motion shall be made for a further Adjournment for any Time to be fixed by the House: Provided always, that if such Select Committee have occasion to apply or report to the House, and the House be then adjourned for more than Twenty-four Hours, such Select Committee may also adjourn to the Day appointed for the meeting of the House.

LXXIV. And be it enacted, That no Evidence shall be given before the Select Committee, or before any Commission issued by such Committee, against the Validity of any Vote not included in One of the Lists of Voters delivered to the General Committee as aforesaid, or upon any Head of Objection to any Voter included in any such List other than One of the Heads specified against him in such List.

LXXV. And be it enacted, That no Member of any such Select Committee shall absent himself from the same without Leave obtained from the House, or an Excuse allowed by the House at the next Sitting thereof, for the Cause of Sickness, verified upon the Oath of his Medical Attendant, or for other special Cause shown and verified upon Oath; and in every such Case the Member to whom such Leave is granted or Excuse allowed shall be discharged from attending, and shall not be entitled again to sit or vote on such Committee; and such Select Committee shall never sit until all the Members to whom such Leave has not been granted, nor Excuse allowed, are met; and in case all such Members do not meet within One Hour after the Time appointed for the First Meeting of such Committee, or within One Hour after the Time to which such Committee has been adjourned, a further Adjournment shall be made, and reported

reported to the House by their Chairman, with the Cause thereof.

LXXVI. And be it enacted, That every Member whose Absence without Leave or Excuse is so reported shall be directed to attend the House at its next Sitting, and shall then be ordered to be taken into the Custody of the Serjeant at Arms attending the House, for such Neglect of his Duty, and shall be otherwise punished or censured, at the Discretion of the House, unless it appear to the House, by Facts specially stated, and verified upon Oath, that such Member was by a sudden Accident or by Necessity prevented from attending the said Select Committee.

LXXVII. And be it enacted, That an Election Committee shall not be dissolved by reason of the Death or necessary Absence of One Member or Two Members thereof only, but the remaining Members shall thenceforward constitute the Committee; and if there ever be occasion for electing a new Chairman on the Death or necessary Absence of the Chairman first appointed, the remaining Members of the Committee shall elect One of themselves to be Chairman, and if in that Election there be an equal Number of Voices the Member whose Name stands foremost in the List of the Committee as reported to the House shall have a second or casting Vote.

LXXVIII. And be it enacted, That if the Number of Members able to attend any such Select Committee be, by Death or otherwise, unavoidably reduced to less than Three, and so continue for the Space of Three sitting Days, such Select Committee shall be dissolved (except in the Case herein-after provided), and another shall be appointed to try the Petition referred to such Committee; and the General Committee and Members of the Chairmen's Panel shall meet for that Purpose as soon as conveniently may be after the Occasion arises, at a Day and Hour to be appointed by the General Committee, and Notice of such Meeting shall be published with the Votes; and all the Proceedings of such former Committee shall be void and of no Effect: Provided always, that, if all the Parties before the Committee consent thereto, the Two remaining Members of the Committee, or the sole remaining Member, if only One, shall continue to act, and shall thenceforward constitute the Committee.

LXXIX. And be it enacted, That whenever any such Select Committee thinks it necessary to deliberate among themselves upon any Question arising in the course of the Trial, or upon the Determination thereof, or upon any Resolution concerning the Matter of the Petition referred to them, as soon as they have heard the Evidence and Counsel on both Sides relative thereto, the Room where they sit shall be cleared, if they think proper, whilst the Members of the Committee consider thereof.

LXXX. And be it enacted, That all Questions before the Committee, if for the Time being consisting of more than One Member, shall be decided by a Majority of Voices; and whenever the Voices are equal the Chairman shall have a second or casting

*Proceedings of
Election
Committees.*

Absentees to
be directed to
attend the
House.

Committee not
to be dissolved
by the Death
or Absence of
not more than
Two Members.

Committee re-
duced to less
than Three
by the Non-
attendance of
its Members
to be dissolved
unless by Con-
sent.

When Com-
mittee is deli-
berating, the
Room to be
cleared.

Questions to be
decided by a
Majority.

*Proceedings of
Election
Committees.*

Names of Members voting for or against any Resolution to be reported to the House.

Committees to be attended by a Short-hand Writer.

Committee empowered to send for and examine Persons, Papers, and Records.

Witnesses misbehaving may be reported to the House, and committed to the Custody of the Serjeant at Arms.

How Oaths to be administered.

Giving false Evidence to be Perjury.

casting Voice; and no Member of the Committee shall be allowed to refrain from voting on any Question on which the Committee is divided.

LXXXI. And be it enacted, That whenever the Select Committee is divided upon any Question, the Names of the Members voting in the Affirmative and in the Negative shall be entered in the Minutes of the said Committee, and shall be reported to the House, with the Questions on which such Divisions arose, at the same Time with the final Report of the Committee.

LXXXII. And be it enacted, That every such Committee shall be attended by a Short-hand Writer, appointed by the Clerk of the House of Commons, and sworn by the Chairman faithfully and truly to take down the Evidence given before such Committee, and from Day to Day, as occasion requires, to write or cause the same to be written in Words at Length for the Use of the Committee.

LXXXIII. And be it enacted, That every such Select Committee may send for Persons, Papers, and Records, and may examine any Person who has subscribed the Petition which such Select Committee are appointed to try, unless it otherwise appear to such Committee that such Person is an interested Witness, and they shall examine all the Witnesses who come before them upon Oath, which Oath the Clerk attending such Select Committee may administer; and if any Person summoned by such Select Committee, or by the Warrant of the Speaker of the House of Commons (which Warrants the Speaker may issue from Time to Time as he thinks fit), disobey such Summons, or if any Witness before such Select Committee give false Evidence or prevaricate, or otherwise misbehave in giving or refusing to give Evidence, the Chairman of such Select Committee, by their Direction, may at any Time during the course of their Proceedings report the same to the House for the Interposition of the Authority or Censure of the House, as the Case requires, and may, by a Warrant under his Hand directed to the Serjeant at Arms attending the House of Commons, or to his Deputy or Deputes, commit such Person (not being a Peer of the Realm or Lord of Parliament) to the Custody of the said Serjeant, without Bail or Mainprize, for any Time not exceeding Twenty-four Hours, if the House be then sitting, and if not, then for a Time not exceeding Twenty-four Hours after the Hour to which the House stands adjourned.

LXXXIV. And be it enacted, That where in this Act anything is required to be verified on Oath to the House of Commons, it shall be lawful for the Clerk of the House of Commons to administer an Oath for that Purpose, or an Affidavit for such Purpose may be sworn before any Justice of the Peace or Master of the High Court of Chancery.

LXXXV. And be it enacted, That every Person who wilfully gives false Evidence before the House of Commons, or before any Election Committee, or before the Examiner of Recognizances or Taxing Officer of the House of Commons, under the Provisions of this Act, or who wilfully swears falsely in any Affidavit

Affidavit authorized by this Act to be taken, shall, on Conviction thereof, be liable to the Penalties of wilful and corrupt Perjury.

*Proceedings of
Election
Committees.*

LXXXVI. And be it enacted, That every such Select Committee shall try the Merits of the Return or Election complained of in the Election Petition referred to them, and shall determine by a Majority of Voices, if for the Time being consisting of more than One Member, whether the sitting Members or either of them, or any and what other Person, were duly returned or elected, or whether the Election be void, or whether a new Writ ought to issue, which Determination shall be final between the Parties to all Intents and Purposes; and the House, on being informed thereof by the Committee, shall order such Report to be entered in their Journals, and shall give the necessary Directions for confirming or altering the Return, or for ordering a Return to be made, or for issuing a Writ for a new Election, or for carrying the said Determination into execution, as the Case may require.

Committee to decide, and to report their Decision to the House.

LXXXVII. And be it enacted, That if any such Select Committee come to any Resolution other than the Determination above mentioned, they shall, if they think proper, report the same to the House for their Opinion, at the same Time that they inform the House of such Determination, and the House may confirm or disagree with such Resolution, and make such Orders thereon as to them seems proper.

Committee may report their Determination on other Matters to the House.

LXXXVIII. And be it enacted, That if the Parliament be prorogued after the Appointment of any Select Committee for the Trial of any Election Petition, and before they have reported to the House their Determination thereon, such Committee shall not be dissolved by such Prorogation, but shall be thereby adjourned till Twelve of the Clock on the Day immediately following that on which Parliament meets again for the Despatch of Business (*Sunday, Good Friday, and Christmas Day* always excepted); and all Proceedings of such Committee and of any Commission to take Evidence issued under the Authority of such Committee shall be of the same Force and Effect as if Parliament had not been so prorogued; and such Committee shall meet on the Day and Hour to which it is so adjourned, and shall thenceforward continue to sit from Day to Day in the Manner herein-before provided, until they have reported to the House their Determination on the Merits of such Petition.

Committees not dissolved by the Prorogation of Parliament.

LXXXIX. And be it enacted, That whenever any Committee appointed to try an Election Petition reports to the House that such Petition was frivolous or vexatious, the Parties, if any, who have appeared before the Committee in opposition to such Petition, shall be entitled to recover from the Persons, or any of them, who signed such Petition, the full Costs and Expenses which such Parties have incurred in opposing the same, such Costs and Expenses to be ascertained in the Manner herein-after directed.

Costs.

Costs where Petition reported frivolous or vexatious.

XC. And be it enacted, That whenever such Committee reports to the House that the Opposition made to any such Petition

Costs where Opposition reported frivolous or vexatious.

Costs.

Costs where no
Party appears
to oppose a
Petition.

tion by any Party appearing before them was frivolous or vexatious, the Persons who signed such Petition shall be entitled to recover from the Party with respect to whom such Report is made the full Costs and Expenses which such Petitioners have incurred in prosecuting their Petition, such Costs and Expenses to be ascertained in the Manner herein-after directed.

XCI. And be it enacted, That whenever no Party has appeared before any such Committee in opposition to such Petition, and such Committee reports to the House that the Election or Return, or the Omission or Insufficiency of a Return complained of in such Petition, was vexatious or corrupt, the Persons who signed such Petition shall be entitled to recover from the sitting Members (if any) whose Election or Return is complained of in such Petition (such sitting Members not having given Notice as aforesaid of their Intention not to defend the same), or from any other Persons admitted by the House as aforesaid to oppose such Petition, the full Costs and Expenses which such Petitioners have incurred in prosecuting their Petition, such Costs and Expenses to be ascertained in the Manner herein-after directed.

Costs upon
frivolous Ob-
jections to
Voters.

XCII. And be it enacted, That if any Ground of Objection be stated against any Voter in any List of Voters intended to be objected to as herein-before provided, and if such Select Committee be of opinion that such Objection was frivolous or vexatious, they shall report the same to the House of Commons, together with their Opinion on the other Matters relating to the said Petition, and the opposite Party shall in such Case be entitled to recover from the Party on whose Behalf any such Objections were made the full Costs and Expenses incurred by reason of such frivolous or vexatious Objections, such Costs and Expenses to be ascertained in the Manner herein-after directed.

Costs upon
unfounded Al-
legations.

XCIII. And be it enacted, That if either Party make before the said Select Committee any specific Allegation with regard to the Conduct of the other Party or his Agents, and either bring no Evidence in support thereof, or such Evidence that the Committee is of opinion that such Allegation was made without any reasonable or probable Ground, the Committee may make such Orders as to them seem fit for the Payment, by the Party making such unfounded Allegation, to the other Party, of all Costs and Expenses incurred by reason of such unfounded Allegation, such Costs and Expenses to be ascertained in the Manner herein-after directed.

Costs, how to
be ascertained.

XCIV. And be it enacted, That the Costs and Expenses adjudged by any such Select Committee as aforesaid to be paid, or which otherwise may become payable, under the Provisions of this Act or the said recited Act of the Eighth Year of Her Majesty, to any Party prosecuting or opposing or preparing to oppose any Election Petition, or to any Witness summoned to attend before any Committee, under the Provisions of this or the said recited Act, shall be ascertained in manner following; (that is to say,) on Application made to the Speaker of the House of Commons by any such Petitioner, Party, or Wit-
ness,

ness, for ascertaining such Costs and Expenses, not later than Three Calendar Months after the Determination of the Merits of such Petition, or after any Order of the House for discharging the Order of Reference of such Petition to the General Committee of Elections, or after the Withdrawal of any Petition as herein-before provided, the Speaker shall direct the same to be taxed by the Examiner of Recognizances or by the Taxing Officer of the House of Commons; and the said Examiner or Taxing Officer shall examine and tax such Costs and Expenses, and shall report the Amount thereof, together with the Name of the Party liable to pay the same, and the Name of the Party entitled to receive the same, to the Speaker, who shall, upon Application made to him, deliver to the Party a Certificate, signed by himself, expressing the Amount of the Costs and Expenses allowed in such Report, with the Name of the Party liable to pay the same, and the Name of the Party entitled to receive the same; and such Certificate so signed by the Speaker shall be conclusive Evidence for all Purposes whatever as well of the Amount of the Demand as of the Title of the Party therein named to recover the same from the Party therein stated to be liable to the Payment thereof; and the Party claiming under the same shall, upon Payment thereof, give a Receipt at the Foot of such Certificate, which shall be a sufficient Discharge for the same.

Costs.
—

XCV. And be it enacted, That the Examiner of Recognizances or the said Taxing Officer may examine upon Oath any Party claiming any such Costs or Expenses, and any Witnesses tendered to him for Examination, and may receive Affidavits sworn before him, or before any Master of the High Court of Chancery, or any Justice of the Peace, relative to such Costs or Expenses.

Persons appointed to tax Costs empowered to examine on Oath.

XCVI. And be it enacted, That the Party entitled to such taxed Costs and Expenses, or his or her Executors or Administrators, may demand the whole Amount thereof, so certified as above, from any One or more of the Persons liable to the Payment thereof, and in case of Nonpayment thereof, on Demand, may recover the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster* or *Dublin* or in the Court of Session in *Scotland*, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum mentioned in the said Certificate; and the said Plaintiff shall, upon filing the said Declaration, together with the said Certificate and an Affidavit of such Demand as aforesaid, be at liberty to sign Judgment as for Want of Plea by Nil dicit, and take out Execution for the said Sum so mentioned in the said Certificate, together with the Costs of the said Action, according to due Course of Law: Provided always, that the Validity of such Certificate (the Handwriting of the Speaker thereunto being duly verified) shall not be called in question in any Court.

Recovery of Costs when taxed.

XCVII. And be it enacted, That in every Case it shall be lawful for any Person from whom the Amount of such Costs and Expenses have been so recovered to recover in like Manner

Persons paying Costs may recover a Proportion from other Persons liable thereto.

Costs.

from the other Persons, or any of them (if such there be) who are liable to the Payment of the same Costs and Expenses, a proportionate Share thereof, according to the Number of Persons so liable, and according to the Extent of the Liability of each Person.

Recognizances
when to be
estreated, &c.

XCVIII. And be it enacted, That if any Person having subscribed an Election Petition presented under this Act, or under the said recited Act of the Eighth Year of the Reign of Her Majesty, neglect or refuse, for the Space of Seven Days after Demand, to pay to any Witness summoned on his Behalf before any Committee under the Provisions of this or the said recited Act the Sum so certified as aforesaid by the Speaker, under the Authority of this or the said recited Act, to be due to such Witness, or if such Petitioner neglect or refuse, for the Space of Six Months after Demand, to pay to any Party opposing the said Petition the Sum so certified by the Speaker as aforesaid to be due to such Party for his Costs and Expenses, and if such Neglect or Refusal be, within One Year after the granting of such Certificate, proved to the Speaker's Satisfaction, by Affidavit sworn before any Master of the High Court of Chancery (and such Master is hereby authorized to administer such Oath, and is authorized and required to certify such Affidavit under his Hand), in every such Case every Person who has entered into a Recognizance relating to such Petition under the Provisions of this or the said recited Act shall be held to have made Default in his said Recognizance, and the Speaker of the House of Commons shall thereupon certify such Recognizance into the Court of Exchequer in *England* if the Person who entered into such Recognizance reside in *England*, or into the Court of Exchequer in *Ireland* if such Person reside in *Ireland*, or into the Court of Exchequer in *Scotland* if such Person reside in *Scotland*, and shall also certify that such Person has made Default therein, and such Certificate shall be conclusive Evidence of the Validity of such Recognizance and of such Default; and the Recognizance, being so certified, if the Person who entered into such Recognizance reside in *England*, shall be delivered by the Clerk or One of the Clerks Assistant of the House of Commons into the Hands of the Lord Chief Baron or One of the Barons of the Court of Exchequer in *England*, or of some Officer appointed by the Court to receive the same, or if such Person reside in *Ireland* or *Scotland* shall be transmitted through the Post, in manner herein-after mentioned, to the Chief Baron of the Court of Exchequer in *Ireland*, or to One of the Judges of the Court of Session discharging for the Time the Powers and Duties of the Court of Exchequer in *Scotland*, as the Case may require, and in every such Case such Delivery or Transmission of such Recognizance shall have the same Effect as if the same were estreated from a Court of Law, and the Validity of such Certificate (the Handwriting of the Speaker thereunto being duly verified) shall not be called in question in the said Court.

Transmission of
Recognizances

XCIX. And be it enacted, That for the Purpose of transmitting any such Recognizance through the Post as aforesaid the

the Clerk or One of the Clerks Assistant of the House of Commons, or some other Person appointed by the Speaker for that Purpose, shall carry such Recognizance under a Cover directed to the Lord Chief Baron or One of the Barons of the Court of Exchequer in *Ireland*, or to One of the Judges of the Court of Session discharging for the Time the Powers and Duties of the Court of Exchequer in *Scotland*, as the Case may require, to the General Post Office in *London*, and there deliver the same to the Postmaster General for the Time being, or to such other Person as the said Postmaster General shall depute to receive the same (and which Deputation such Postmaster General is required to make), who on Receipt thereof shall give an Acknowledgment in Writing of such Receipt to the Person from whom the same is received, and shall keep a Duplicate of such Acknowledgment, signed by the Parties respectively to whom the same is so delivered; and the said Postmaster General shall despatch all such Recognizances by the First Post or Mail after the Receipt thereof to the Person to whom the same is directed, accompanied with proper Directions to the Postmaster or Deputy Postmaster of the Town or Place to which the same is directed, requiring such Postmaster or Deputy Postmaster forthwith to carry such Recognizance, and to deliver the same to the Person to whom the same is directed, who (or some Officer appointed by the Court for that Purpose) is hereby required to give to such Postmaster or Deputy Postmaster a Memorandum in Writing under his Hand, acknowledging the Receipt of every such Recognizance, and setting forth the Day and Hour the same was delivered by such Postmaster or Deputy Postmaster, which Memorandum shall also be signed by such Postmaster or Deputy Postmaster, and by him transmitted by the First or Second Post afterwards to the said Postmaster General, or his Deputy, at the General Post Office in *London*.

of Parties in
Ireland or
Scotland
through the
Post.

C. And be it enacted, That all Monies which shall be received or recovered by reason or in pursuance of the estreating of any such Recognizance as aforesaid shall, after deducting all Expenses incurred in respect thereof, be forthwith paid by the proper Officer for that Purpose into the Bank of *England*, to the Account of the Speaker and of the Examiner of Recognizances, and shall be applied by them, in manner herein-after mentioned, in satisfaction, so far as the same will extend, of the Costs and Expenses intended to be secured by such Recognizance.

Monies received
under Recogn-
izances to be
paid into the
Bank, and ap-
plied in Pay-
ment of Costs.

CI. And be it enacted, That any Person who has entered into any such Recognizance may, before the same has been estreated, pay the Sum of Money for which he is bound by such Recognizance into the Bank of *England*, to the Account of the Speaker and the Examiner of Recognizances; and upon Production to the Examiner of Recognizances of a Bank Receipt or Certificate for the Sum so paid in, he shall endorse on the Recognizance in respect of which such Money has been so paid in a Memorandum of such Payment, and thereupon such Recognizance shall, so far as regards the Person by or on whose Behalf such Money has been so paid, be deemed to be vacated,
and

Surety may pay
Money into the
Bank in dis-
charge of his
Recognizance.

Costs.

Where Money has been paid into the Bank, the Examiner of Recognizances to order Payment of Expenses, and transfer the Residue to the Account of the Party.

and shall not afterwards be estreated as against him, but such Recognizance shall continue to be in force as regards any other Person who has entered into the same.

CII. And be it enacted, That in every Case in which any Money is paid into the Bank of *England* to the Account of the Speaker and the Examiner of Recognizances, as herein-before provided, a Bank Receipt or Certificate of the Amount so paid in shall be delivered to the Examiner of Recognizances by the Person paying in the same, and such Money shall, in the first place, and in such Order of Payment as the Examiner of Recognizances in his Discretion, but with the Approbation of the Speaker, thinks fit, be applied in satisfaction of all the Costs and Expenses for securing Payment of which such Investment was made, or so much thereof as can be thereby satisfied, and thereafter the Residue (if any) shall be paid to or transferred to the Account of the Party by whom or on whose Account the same was paid in.

Miscellaneous.

Returning Officer may be sued for neglecting to return any Person duly elected.

CIII. And be it enacted, That if any Sheriff or other Returning Officer shall wilfully delay, neglect, or refuse duly to return any Person who ought to be returned to serve in Parliament for any County, City, Borough, District of Burghs, Port, or Place within *Great Britain* or *Ireland*, such Person may, in case it have been determined by a Select Committee appointed in the Manner herein-before directed that such Person was entitled to have been returned, sue the Sheriff or other Officer having so wilfully delayed, neglected, or refused duly to make such Return at his Election, in any of Her Majesty's Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall recover Double the Damages he has sustained by reason thereof, together with full Costs of Suit; provided such Action be commenced within One Year after the Commission of the Act on which it is grounded, or within Six Months after the Conclusion of any Proceedings in the House of Commons relating to such Election.

Commencement of Act.

CIV. And be it enacted, That this Act shall commence and take effect from the End of this Session of Parliament.

Provision for Election Petitions remaining at the Close of the present Session.

CV. And be it enacted, That if at the Close of the present Session of Parliament there be any Election Petitions before the House, the Order for taking which into consideration has not been discharged, and for trying which no Committees have been appointed, such Election Petitions shall, in case the Sureties relating thereto have been reported unobjectionable, be tried by Committees to be chosen under the Provisions of this Act, and shall be referred to the General Committee of Elections before any Petition presented in the next Session; and the General Committee shall, within Two Days after their first Meeting, appoint a Day and Hour for selecting a Committee to try every such Petition; and if the present Parliament be prorogued after the Appointment of a Select Committee for the Trial of any such Petition as aforesaid, and before they have reported to the House their Determination thereon, such Committee shall not be dissolved by such Prorogation, but shall be adjourned

adjourned in manner herein-before provided in the Case in which Parliament is prorogued after the Appointment of a Select Committee for the Trial of an Election Petition, and before they have reported to the House their Determination thereon; and in the Case of all such Petitions as aforesaid, all such further Proceedings shall be had with reference thereto as if this Act had been in force when such Petitions were presented; and the Recognizances entered into in respect of such Petitions shall be taken to be and remain in force, and shall take effect for securing Payment of all Costs and Expenses which the Petitioners shall be liable to pay, as if the same had been entered into under the Provisions of this Act.

Miscellaneous.

CVI. And be it declared and enacted, That no Recognizance entered into, or Affidavit sworn, under the Provisions of this Act, shall require to be impressed with any Stamp.

No Stamps on Recognizances or Affidavits.

CVII. And be it enacted, That in citing this Act it shall be sufficient in all Cases to use the Expression "The Election Petitions Act, 1848."

Short Title.

CVIII. And be it enacted, That in construing this Act Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include the Singular, unless there be something in the Subject or the Context repugnant to such Construction; and the Words "Oath" and "Affidavit" respectively shall mean Affirmation in the Case of Quakers, or any Declaration lawfully substituted for an Oath in the Case of Persons allowed by Law to make a Declaration instead of taking an Oath.

Interpretation of Act.

CIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament,

Act may be amended, &c.

SCHEDULE.

BE it remembered, That on the _____ Day of _____ in the Year of our Lord 184 , before me *A.B. Esquire* [Examiner of Recognizances for the House of Commons, or One of Her Majesty's Justices of the Peace for the _____ of _____], came _____ and acknowledged himself [or severally acknowledged themselves] to owe to our Sovereign Lady the Queen the Sum of One thousand Pounds [or the following Sums, (that is to say,) the said _____ the Sum of _____ the said _____ the Sum of _____ the said _____ the Sum of _____ of _____ and the said _____ the Sum of _____], to be levied on his [or their respective] Goods and Chattels, Lands and Tenements, to the Use of our said Sovereign Lady the Queen, Her Heirs and Successors.

The Condition of this Recognizance is, that if [here insert the Names of all the Petitioners, and, if more than One, add, or any of them] shall well and truly pay all Costs and Expenses in respect of the Election Petition signed by him [or them] relating to the [here insert the Name of the Borough, City, or County,]

which shall become payable by the said Petitioner [or Petitioners] under the Election Petitions Act, 1848, to any Witness summoned in his [or their] Behalf, or to the sitting Member, or other Party complained of in the said Petition, or to any Party who may be admitted to defend the same as provided by the said Act, then this Recognizance to be void, otherwise to be of full Force and Effect.

CAP. XCIX.

An Act to further extend the Provisions of the Act for the Inclosure and Improvement of Commons.

[4th September 1848.]

8 & 9 Vict.
c. 118.

9 & 10 Vict.
c. 70.

10 & 11 Vict.
c. 111.

Persons not
interested in
Lands to be
inclosed may
apply to submit
Land to Opera-
tion of Inclo-
sure.

‘ WHEREAS an Act was passed in the Session of Parlia-
ment holden in the Eighth and Ninth Years of the
Reign of Her present Majesty, intituled *An Act to facilitate
the Inclosure and Improvement of Commons and Lands held in
common, the Exchange of Lands, and the Division of intermixed
Lands, to provide Remedies for defective or incomplete Execu-
tions, and for the Non-execution, of the Powers of General and
Local Inclosure Acts, and to provide for the Revival of such
Powers in certain Cases* : And whereas an Act was passed in
the Session of Parliament holden in the Ninth and Tenth
Years of Her present Majesty, intituled *An Act to amend the
Act to facilitate the Inclosure and Improvement of Commons* :
And whereas an Act was passed in the Session of Parliament
holden in the Tenth and Eleventh Years of Her present Ma-
jesty, intituled *An Act to extend the Provisions of the Act for the
Inclosure and Improvement of Commons* : And whereas it is
expedient that the Provisions of the said Acts should be
further extended : Be it enacted by the Queen’s most Excel-
lent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the Authority of the same, That
it shall be lawful for the Commissioners in their Provisional
Order in the Matter of any Inclosure to set forth any special
Agreement or Matter concerning or affecting the Lands to be
inclosed, and to make the same a Condition of such Inclosure ;
and that where, after an Application shall have been made to
the Commissioners to sanction an Inclosure, or to certify the
Expediency of an Inclosure, under the Provisions of the said
firstly-recited Act, any Person interested within the Meaning
of the said Act in Land not subject to the Operation of the
Inclosure proposed to be made under such Application shall, by
Application in Writing to the Commissioners, submit to the
Operation of the proposed Inclosure such Land, or any Ease-
ment or other Right or Interest in such Land, in consideration
of any Allotment, Easement, or Benefit to be made or secured
under such Inclosure, and shall specify his Estate and Interest
in such Land, the Commissioners, if they shall think the Pro-
posal beneficial, may embody in their Provisional Order in the
Matter

Matter of the said Inclosure any Directions and Agreements in reference to such Proposal, and make such Directions and Agreements a Condition of such Inclosure; and an Award made in the Matter of such Inclosure, in pursuance of any Provisional Order containing such Condition, and signed by the Person making such Application, shall have as full Effect and be as binding, as well as respects the Land or Right or Interest in Land which shall have been so submitted to the Operation thereof as the Lands subject to be inclosed under the original Application, as if the Land or Right or Interest in Land so submitted had been Land subject to be inclosed under the original Application, and as if such Person so interested had signed the same Application: Provided always, that if such Person shall refuse or neglect to sign such Provisional Order, such Inclosure may proceed as regards the Land the immediate Subject of such Inclosure as if no Application by such Person had been made, and as if the Directions and Agreements in reference to such Proposal had not been embodied in such Provisional Order: Provided also, that no such Direction or Agreement as last aforesaid shall be embodied in a Provisional Order unless Notice of the Intention so to do shall have been given by Advertisement in Two successive Weeks, and One Calendar Month shall have elapsed from the Publication of the last of such Advertisements; and in case before the Expiration of such Month any Person entitled to any Estate in or to any Charge upon the Land to be so submitted to the Operation of the Inclosure shall give Notice to the Commissioners of his Dissent from such Direction or Agreement, the Commissioners shall not embody such Direction or Agreement in such Provisional Order unless such Dissent shall be withdrawn, or it shall be shown to the Commissioners that the Estate or Charge of the Party so dissenting shall have ceased.

II. 'And whereas the Provision of the said firstly-recited Act, that the Map to be annexed to the Valuer's Report shall comprise and show the Lands in respect of which any Allotments have been made, occasions unnecessary Expense in certain Cases:' Be it enacted, That it shall be lawful for the Commissioners, in the Matter of any Inclosure, if they shall think fit, by Order under their Seal, to direct that such Lands shall not be comprised nor shown in such Map, and after such Direction shall have been made by any such Order in the Matter of any Inclosure, it shall not be necessary for the Valuer to comprise or show any such Lands in any such Map to be annexed to his Report.

Maps of old inclosed Lands may be dispensed with.

III. And be it enacted, That where the Valuer, acting in the Matter of any Inclosure, shall certify in Writing to the Commissioners that the Value of the Allotment of any Person interested in the Lands to be inclosed, in case such Allotment should be made, would not exceed Five Pounds in Value, it shall be lawful for the Commissioners, with the Consent of such Person, to direct the Valuer under their Seal to award to such Person, in lieu of such Allotment, a Sum of Money which

Allotments of less than Five Pounds Value may be compensated in Money,

he shall deem equivalent in Value to the Allotment which would have been made to him in respect of his Right and Interest under the said recited Act; and every such Sum shall be set forth in the Valuer's Report before the same is deposited; and the Sum of Money which may be awarded in respect of such Right and Interest may be raised in the same Way that Money may be raised for Expenses incident to Inclosures under the Provisions of the said recited Act, and shall be paid to the Party for the Time being interested, as in the Case of Surplus of Purchase Money on the Sale of Part of an Allotment for Expenses.

Valuer may set out Private and Occupation Roads in certain Cases for use of Lands other than Lands to be inclosed.

IV. And be it enacted, That the Valuer acting in the Matter of any Inclosure may, where he shall think fit, set out such Private or Occupation Roads and Ways through the Land to be inclosed as by reason of the Alteration of public Roads or Ways, or otherwise, he shall think requisite for the Use, wholly or in part, of Persons interested in other Lands; and any Expenses which the Valuer may incur in relation to the setting out or Formation or Completion of such private Roads, or any of them, shall, unless the Valuer shall otherwise direct, be paid by such of the Owners for the Time being of the Land the Subject Matter of such Inclosure, and of the Owners of Land for whose Use the said Roads shall have been set out, or of either of such Classes, and in such Shares and Proportion as the Valuer shall direct; and after the Formation and Completion of such private Roads and Ways, the same shall be maintained and kept in repair by and at the Expense of such of the said several Owners, in such Shares and Proportions and in such Manner as the Valuer shall direct: Provided always, that the Grass and Herbage on such Roads shall be subject to the same Regulations as if they had been Private or Occupation Roads set out under the said firstly-recited Act.

Expenses of maintaining private Roads, &c. may be raised by a Rate on Owners.

V. And be it enacted, That it shall be lawful for the Valuer, with the Sanction of the Commissioners, by his Award to direct that the Expenses of repairing, cleansing, and maintaining all or any of the private Roads and Ways, Common Ponds, Ditches, Watercourses, Embankments, Tunnels, and Bridges, thereby directed to be set out and made, enlarged, or altered and maintained, shall be raised by Rate to be levied on the Lands of which the Owners for the Time being might have been directed by such Award to repair, cleanse, and maintain the same Roads, Ponds, Ditches, Watercourses, Embankments, Tunnels, and Bridges respectively, in such Proportions as he shall by his Award direct.

Rating Officer may be appointed for repairing private and common Ponds, Ditches, &c.

VI. And be it enacted, That where the Expenses of repairing, cleansing, and maintaining any Private or Occupation Roads and Ways, Common Ponds, Ditches, Watercourses, Embankments, Tunnels, or Bridges shall have been directed to be raised by Rate as aforesaid, a Meeting shall be called by the Commissioners of the Owners of the Lands subject to such Rate, at such Time after the Confirmation of the Award as the Commissioners shall by Notice on the Church Door appoint: and

and the major Part in Value of such Owners present, by themselves or their Agent authorized in this Behalf, at such Meeting, shall elect a fit Person to be Rating Officer; and every such Officer so to be elected as aforesaid, or to be elected or re-elected at any subsequent Meeting, shall continue in Office until the Expiration of Fifteen Days after the Day of the Annual Meeting of such Owners then next following, and no longer, unless he shall be re-elected at such Annual Meeting; and such Owners shall ever after such first Meeting meet for the Election of a Rating Officer on the First *Monday* in *February* in every Year; and the Owners assembled at such Meetings shall from Time to Time fix, increase, or diminish the Salary or Payment to be made to every such Rating Officer; and any such Rating Officer may be removed by Four Fifths in Value of the Owners of such Lands present, by themselves or their Agents authorized in this Behalf at any Meeting called for the Purpose, by Fourteen Days Notice on the Church Door, under the Hands of any Two such Owners; and in case any such Rating Officer shall die while he shall hold such Office, or shall be removed as aforesaid, it shall be lawful for the Majority in Value of Owners of such Lands present as aforesaid at any Meeting, which upon such Vacancy any Two Owners may call, by Fourteen Days Notice on the Church Door, to appoint a Rating Officer in his Place, who shall hold the Office until the Expiration of Fifteen Days after the then next Annual Meeting; and a Certificate in Writing, under the Hands and Seals of Two Justices of the Peace, of the Election of any Rating Officer, (which Certificate any Two Justices of the Peace are authorized, if they think fit, to give, on the Request and upon the Declaration of any Owner of such Lands, or the Agent of any such Owner, present at the Meeting at which the Election shall have taken place,) shall, in all Matters and Proceedings whatsoever in which any Acts done by any Rating Officer in the Execution of his Office shall be in question, be Evidence that he was duly appointed Rating Officer.

VII. And be it enacted, That the Rating Officer for the Time being shall, subject to such Orders and Instructions in Writing as may from Time to Time be agreed on by the Majority in Value of the Owners of such Lands as aforesaid at their yearly Meetings, maintain and keep in order the said Roads, Ways, Common Ponds, Ditches, Drains, Watercourses, Embankments, Tunnels, and Bridges, and shall, for the Payment to be made to Rating Officers, and all Expenses in and about the Premises under the Directions of any such Meeting of Owners from Time to Time, make a Rate on the respective Owners for such Sum as the Majority in Value of Owners present at such Meeting shall think requisite, and every such Rate shall be apportioned and paid by the Owners according to the Proportions directed by the Award as aforesaid, and shall be paid to the Rating Officer on Demand thereof, and in case the same shall not be paid within Fourteen Days after Demand thereof shall be recoverable by such Rating Officer by Distress; and any such Demand

How Rates to
be raised.

or Distress may be made of or on the Occupier of any such Land as if the Occupier were the Owner liable to the Payment of such Rate, and such Rate may be paid by any such Occupier on Demand thereof; and the Money so paid by such Occupier shall be deemed a Payment on account of his Rent, and shall be allowed by his Landlord accordingly.

Money raised
for Expenses to
be paid to Com-
missioners.

VIII. And be it enacted, That where any Persons shall, under the Provisions of the said first-recited Act, mortgage their Allotments or demise the same in trust, for the Purpose of raising Money to defray the Inclosure Expenses, the said Money shall be paid to the Commissioners, and the Receipt of the Commissioners shall be a sufficient Discharge to the Mortgagee or Lessee for the Receipt of such Money; and such Money shall be applied by the Commissioners for the Purpose for which it may be raised under the said recited Act.

How Claims
may be made.

IX. And be it enacted, That notwithstanding anything in the said first-recited Act contained it shall be lawful for the Valuer in the Matter of any Inclosure to receive any Claims in Writing made by any Persons claiming any Common or other Right or Interest in such Inclosure, although such Claims may not contain the several Particulars in respect whereof they are made, nor distinguish the Claims in respect of Freehold, Copyhold, or Customary and Leasehold Property from each other, nor mention therein the Places of Abode of the respective Claimants or their Agents; but such Claims shall be good and valid if the Persons making the same shall state therein that they claim Common or other Right or Interest in the Land proposed to be inclosed in respect of the Land, Premises, or Right named in such Claims: Provided always, that it shall be lawful for the Valuer to require Persons delivering any Claims to amend the same in such Particulars and on such Conditions as the said Valuer shall think just and reasonable, and no such Claims shall be inserted in the Statement of Claims to be deposited by him under the Provisions of the said Act until the Places of Abode of the respective Claimants, or their Agents, shall have been given in Writing in the said Claims or indorsed thereon.

How Person
trespassing
where Rights
suspended or
extinguished,
or Allotments
entered upon,
may be pro-
ceeded against.

X. And be it enacted, That where the Valuer acting in the Matter of any Inclosure shall, under the Authority and Direction of the Commissioners, and in manner provided by the said first-recited Act, have ordered all or any Part of the Rights of Sheep-walk, Common, or other Rights in or over the Land to be inclosed, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended, or where such Valuer shall have directed any of the Allotments to be made in such Inclosure to be entered upon by the Persons respectively for whom the same shall be intended, if any Person shall wilfully or maliciously commit any Damage, Injury, or Spoil to or upon any Fences, Ditches, or other Works made or done for the Purposes of such Inclosure, or to or upon any such Allotment, the Person so offending, being convicted thereof before Two Justices of the Peace having Jurisdiction in the County or Place, shall forfeit
and

and pay such Sum of Money as shall appear to such Justices to be a reasonable Compensation for the Damage, Injury, or Spoil so committed, not exceeding the Sum of Five Pounds, and such Sum shall be paid to the Valuer, to be applied by him in aid of the Expenses in such Inclosure, or to the Person in possession of such Allotment, as the Justices may think fit and direct; and the Provisions of the Act of the Seventh and Eighth Years of King George the Fourth, intituled *An Act for consolidating and amending the Laws in England relative to malicious Injuries to Property*, concerning the Apprehension of Offenders and the Prosecution of Offences punishable on summary Conviction under such Act, and the Form of such Conviction, and concerning the Cases of a summary Conviction under such Act, where the Sum which shall be forfeited for the Amount of the Injury done shall not be paid, and all other Provisions of such Act consequent upon or in relation to such Proceedings and Conviction, shall be applicable to the Offences under this Act, and the Prosecution and Conviction for the same respectively, save that any Matter by the said Act directed to be done by the Justice shall be done by Two Justices as aforesaid. 7 & 8 G. 4. c. 30.

XI. And be it enacted, That where the Valuer acting in the Matter of any Inclosure shall have directed any of the Allotments to be entered upon by the Persons for whom the same shall be intended, it shall be lawful for any Person who shall have entered upon or taken possession of any such Allotment by virtue of such Direction, or his Tenant, to commence, prosecute, and maintain any Action of Trespass, Ejectment, or other Suit at Law, for any Entry upon, or Injury or Damage that may be done or committed to such Allotment, or the Soil or Herbage thereof, or the Fences thereof, or for the Recovery of the Possession thereof, although the Award in the Matter of such Inclosure may not have been made, without Prejudice nevertheless to the Power of the Valuer, under the said Acts, to make Alterations in Allotments. Person having taken possession of Allotment may maintain Action for Damage.

XII. And be it enacted, That where any Person to whom an Allotment shall have been made by an Award in the Matter of any Inclosure, or the Owner for the Time being of such Allotment, shall refuse or neglect to make any Ditch or Fence which, according to the Directions of such Award, ought to be made by or at the Expense of the Owner of such Allotment, it shall be lawful for the Owner or Occupier of any other Allotment made in the same Inclosure, who shall be aggrieved in the Enjoyment of his Allotment by such Refusal or Neglect, to cause the Person so refusing or neglecting to be served, in the Manner herein-after mentioned, with a written Notice, signed by the Owner or Occupier so aggrieved, or his Agent, of his Intention to proceed under the Authority of this Act to make such Ditch or Fence, in case the same should not be made within Three Calendar Months from the Time of serving such Notice; and in case such Ditch or Fence shall not be made within such Three Calendar Months, it shall be lawful for the Owner or Occupier so aggrieved, or his Agent (if such Owner On Neglect of Owner of an Allotment to fence, Owner of any other Allotment prejudiced by his Neglect may obtain Possession and do the necessary Work.

or Occupier shall so think fit), to make or cause to be made such Ditch or Fence in such Manner as the same ought to have been made, according to the Directions of the said Award, by the Owner so neglecting or refusing as aforesaid, and for such Purpose, with Labourers and Workmen, to enter upon the Allotment by the Owner of which such Ditch or Fence ought to have been made, and to do all such Acts as may be necessary or proper; and all Costs and Expenses incurred in such Work by the Owner or Occupier so aggrieved shall be reimbursed to him by the Owner so neglecting or refusing as aforesaid, and may be recovered by Action of Debt or on the Case, and if the Amount claimed in respect thereof shall not be more than Twenty Pounds shall be recoverable in the County Court of the District where the Work shall be done; and any Notice as aforesaid may be served either personally or by leaving the same with some Person being in and apparently residing at the Place of Abode of the Owner for the Time being of the Allotment to which such Notice shall relate; but if such Owner cannot be found, and his Place of Abode shall not be known, or Admission thereto cannot be obtained for serving such Notice, the posting of such Notice conspicuously on the Allotment to which the same shall relate shall be deemed good Service on the Owner thereof: Provided always, that neither the Power herein-before contained, nor the making of such Ditch or Fence by the Owner or Occupier so aggrieved as aforesaid, shall affect any Right or Remedy which such Owner or Occupier would otherwise have had in respect of the Neglect to make such Ditch or Fence, or of any Trespass or Damage occasioned thereby.

Provisions of Inclosure Acts concerning Exchanges of Land not subject to be inclosed, &c. extended to Partition.

XIII. 'And whereas it is expedient that the Provisions of the said recited Acts concerning Exchanges should extend to Partition:' Be it enacted, That it shall be lawful for the Commissioners, upon the Application in Writing of the Persons interested, according to the Definitions in the said first-recited Act contained, in the several undivided Parts or Shares of any Land not subject to be inclosed under the said first-recited Act, or in Land subject to be inclosed under such Act as to which no Proceedings for an Inclosure shall be pending, and who shall desire to effect a Partition of such Land, to direct Inquiries whether such proposed Partition would be beneficial to the Owners of such undivided Parts or Shares, and in case the Commissioners shall be of opinion that such Partition would be beneficial, and that the Terms of the proposed Partition are just and reasonable, they shall, unless Notice of Dissent to the proposed Partition shall be given, under the Provision herein by Reference contained, cause to be framed and confirmed an Order of Partition, with a Map or Plan thereunto annexed, in which Order shall be specified and shown the Land allotted in severalty to each Person so interested in respect of the undivided Part or Share in which he shall be so interested respectively; and the Land allotted in severalty upon every such Partition, in respect of each such undivided Part or Share, shall be and

enure

enure to, for, and upon the same Uses, Trusts, Intents, and Purposes, and subject to the same Conditions, Charges, and Incumbrances, as the undivided Part or Share in respect whereof the same shall be allotted would have stood limited or been subject to in case such Order had not been made.

XIV. And be it enacted, That the Provisions of the said first-recited Act concerning Notice, Dissent, and Confirmation and Expenses with respect to an Exchange of Lands not subject to be inclosed under such Act, or of Lands subject to be inclosed under such Act, as to which no Proceedings for an Inclosure shall be pending, and all other Provisions of the said first-recited Act and of the Acts for amending and extending the same, applicable to such Exchange as aforesaid, shall be applicable to a Partition of Land under this Act.

Provisions of Inclosure Acts applicable to such Exchange to apply to Partition under this Act.

XV. ‘ And whereas by the Provisional Order made by the ‘ Inclosure Commissioners in the Matter of the Inclosure of ‘ Common Wood situate in the Parish of *Holt* in the County of ‘ *Denbigh*, dated the Twenty-ninth Day of *January* One thousand eight hundred and forty-six, it was declared that One ‘ Twentieth Part in Value of the said Common Wood should ‘ be allotted to Her Majesty as Lady of the Manor of *Bromfield* ‘ and *Yale* in respect of Her Right and Interest in the Soil, ‘ exclusively of all Right and Interest of Her Majesty in all ‘ Mines, Minerals, Stone, and other Substrata under the said ‘ Common Wood: And whereas it is expedient that the said ‘ One Twentieth Part in Value of the said Common Wood ‘ should be compensated by a Money Payment, and not by an ‘ Allotment of Land:’ Be it therefore enacted, That it shall be lawful for the Valuer in the Matter of the said Inclosure to award, and for the Commissioners of Her Majesty’s Woods, Forests, Land Revenues, Works, and Buildings for the Time being to receive, on behalf of Her Majesty, the Value of the said One Twentieth Part of the said Common Wood in Money, the same to be accounted for and applied in the same Manner as Monies received by them in respect of Sales of the Possessions and Land Revenues of the Crown in *England*; and from and immediately after Payment thereof as aforesaid such Payment shall be in full Satisfaction of all the Right, Title, and Interest of Her Majesty, Her Heirs and Successors, in, to, over, and upon the said Common Wood, save and except of the Rights and Interest in Mines, Minerals, Stone, and other Substrata reserved to Her Majesty, Her Heirs and Successors, by the said Provisional Order.

In Common Wood Inclosure Power to pay Value of Allotments to Crown in Money.

XVI. And be it enacted, That this Act shall be taken to be Part of the said recited Acts of the Eighth and Ninth, of the Ninth and Tenth, and of the Tenth and Eleventh Years of the Reign of Her present Majesty.

Recited Acts deemed Part of this Act.

CAP. C.

An Act to permit the Distillation of Spirits from Sugar, Molasses, and Treacle in the United Kingdom.

[4th September 1848.]

10 & 11 Vict.
c. 6.

4 G. 4. c. 94.

6 G. 4. c. 80.

‘ WHEREAS an Act was passed in the Tenth Year of the
 ‘ Reign of Her Majesty, intituled *An Act to further encour-*
 ‘ *age the Distillation of Spirits from Sugar in the United Kingdom;*
 ‘ and in an Act passed in the Fourth Year of the Reign of His
 ‘ late Majesty King George the Fourth, intituled *An Act to grant*
 ‘ *certain Duties of Excise upon Spirits distilled from Corn or Grain*
 ‘ *in Scotland and Ireland, and upon Licences for Stills for making*
 ‘ *such Spirits, and to provide for the better collecting and securing*
 ‘ *such Duties, and for the warehousing of such Spirits without Pay-*
 ‘ *ment of Duty,* it is enacted, “that it shall not be lawful for any
 ‘ “ Distiller in Scotland or Ireland licensed under this Act to
 ‘ “ make or brew any Wort or Wash or to make or distil any
 ‘ “ Spirits from Sugar, or from any Materials other than Malt,
 ‘ “ Corn, or Grain, or any Mixture thereof; and if any such
 ‘ “ Distiller shall make or brew any Wort or Wash or shall
 ‘ “ make or distil any Spirits from Sugar, or from any Materials
 ‘ “ other than Malt, Corn, or Grain, or some Mixture thereof,
 ‘ “ such Distiller shall forfeit the Sum of Two hundred Pounds,
 ‘ “ and all such Wort, Wash, and Spirits shall be forfeited, and
 ‘ “ may be seized by any Officer of Excise;” and in another Act
 ‘ passed in the Sixth Year of the Reign of His said late Majesty,
 ‘ intituled *An Act to repeal the Duties payable in respect of Spirits*
 ‘ *distilled in England, and of Licences for distilling, rectifying, or*
 ‘ *compounding such Spirits, and for the Sale of Spirits, and to impose*
 ‘ *other Duties in lieu thereof, and to provide other Regulations for*
 ‘ *the Collection of the said Duties, and for the Sale of Spirits, and*
 ‘ *for the warehousing of such Spirits, without Payment of Duty,*
 ‘ *for Exportation,* there are enacted the following Clauses, Pro-
 ‘ visions, and Regulations: “That it shall not be lawful for any
 ‘ “ Distiller to make or brew at the same Time any Wort or
 ‘ “ Wash or to make or distil any Spirits from Malt, Corn,
 ‘ “ or Grain, or any Mixture thereof, and from Sugar or Pota-
 ‘ “ toes or any Mixture thereof respectively, or to make or brew
 ‘ “ any Wort or Wash or distil any Spirits from any other
 ‘ “ Materials whatsoever; and if any such Distiller shall at the
 ‘ “ same Time make or brew any Wort or Wash or shall make
 ‘ “ or distil any Spirits from Malt, Corn, or Grain, or any
 ‘ “ Mixture thereof, and from Sugar or Potatoes or any Mixture
 ‘ “ thereof respectively, or shall at any Time make or brew any
 ‘ “ Wort or Wash or distil any Spirits from any other Materials
 ‘ “ whatsoever, such Distiller shall forfeit the Sum of Two hun-
 ‘ “ dred Pounds, and all such Wort, Wash, and Spirits shall be
 ‘ “ forfeited, and may be seized by any Officer of Excise;” and
 ‘ further, “that every Distiller who shall, under the Regulations
 ‘ “ of this Act, intend or desire to distil Spirits from Worts or
 ‘ “ Wash

“ Wash brewed and made from Sugar or Potatoes only, shall,
“ Six Days before he shall commence to brew or make any
“ Wort or Wash, give Notice in Writing to the proper Officer
“ surveying such Distillery, in which Notice shall be stated
“ that such Distiller intends to use Sugar or Potatoes only,
“ not being mixed with any other Materials whatever; and
“ if at any Time after such Notice shall have been given any
“ Corn, Grain, or Malt, ground or bruised, or other Material
“ for Distillation except Sugar or Potatoes, according to such
“ Notice as aforesaid, shall be found in such Distillery, or in
“ any Store, Mill, or other Premises thereto belonging, or if
“ any Wort or Wash made of any Materials save and except
“ Sugar or Potatoes only, as the Case may be, according to
“ such Notice, shall be found in the Distillery of such Distiller,
“ or in any Store belonging to such Distillery, then and in
“ each and every such Case such Distiller shall (except in the
“ Case herein-after provided) forfeit the Sum of Two hundred
“ Pounds;” provided “ that if any Distiller who shall have
“ given any such Notice of using Sugar or Potatoes only as
“ aforesaid shall intend to commence or to recommence to
“ use the other of them, or to use Corn or Grain and Malt,
“ at any Time when there shall not be any Wort or Wash
“ or Sugar or Potatoes respectively in the Distillery of such
“ Distiller, such Time being at least One Calendar Month
“ distant from the Time such Distiller began to use Sugar or
“ Potatoes only under any such Notice, it shall be lawful for
“ such Distiller, on giving Six Days previous Notice to the
“ proper Officer, so to commence or recommence to use the
“ other of them, or to use Corn or Grain and Malt, and such
“ Distiller shall not thereafter be liable to any such Penalty
“ aforesaid; provided also, that if any Distiller using Corn or
“ Grain and Malt shall be desirous of commencing or recom-
“ mencing to use Sugar or Potatoes only as aforesaid, at any
“ Time when there shall not be any Wort or Wash, or Malt,
“ Corn, or Grain, in the Distillery of such Distiller, such Time
“ being at least One Calendar Month from the Time such
“ Distiller shall have commenced or recommenced using Corn
“ or Grain and Malt as aforesaid, it shall be lawful for such
“ Distiller, on giving Six Days Notice as aforesaid, so to com-
“ mence or recommence to use Sugar or Potatoes only;” and
“ further, “ that from and after the Fifth Day of *January* One
“ thousand eight hundred and twenty-six it shall be lawful for
“ any Licensed Distiller in *Scotland* or *Ireland* to make or
“ brew any Wort or Wash and to make or distil Spirits from
“ Sugar only, or from Potatoes only, anything in any other
“ Act or Acts of Parliament to the contrary notwithstanding;
“ provided always, that whenever Sugar or Potatoes are used
“ for that Purpose the same shall be done under the like
“ Rules and Regulations as are contained in a certain Act
“ made in the Fourth Year of the Reign of His present
“ Majesty, for granting certain Duties of Excise upon Spirits
“ distilled from Corn or Grain in *Scotland* and *Ireland*, and
“ upon

Repeal of first-recited Act and of Part of the Two last-recited Acts.

Licensed Distillers may distil from Sugar only, or from Potatoes only, or from Molasses only, or from Treacle, or from any of these Materials and Malt or Grain mixed.

‘ upon Licences for Stills for making such Spirits, and to
 ‘ provide for the better collecting and securing such Duties,
 ‘ and for the warehousing of such Spirits without Payment of
 ‘ Duty, for making or brewing Wort or Wash and making and
 ‘ distilling Spirits from Malt only, unmixed with any unmalted
 ‘ Corn or Grain, except that in the annual Account of every
 ‘ such Distiller, so far as shall relate to Spirits made or distilled
 ‘ from Sugar, he shall be chargeable and charged with Duty
 ‘ after the Rate or Proportion of One Gallon of Proof Spirits
 ‘ for every Four Degrees of the declared Gravity of the Worts
 ‘ from which such Spirits were made or distilled:’ And
 ‘ whereas it is expedient to repeal the said Act of the Tenth
 ‘ Year of the Reign aforesaid, and so much of the said Acts of
 ‘ the Fourth and of the Sixth Years of the Reign aforesaid as are
 ‘ before recited, and to permit the Distillation of Spirits from
 ‘ Sugar, Molasses, and Treacle in the United Kingdom, under
 ‘ the Regulations after mentioned:’ Be it therefore enacted by
 the Queen’s most Excellent Majesty, by and with the Advice
 and Consent of the Lords Spiritual and Temporal, and Com-
 mons, in this present Parliament assembled, and by the Autho-
 rity of the same, That from and after the passing of this Act
 the said Act of the Tenth Year of the Reign aforesaid, and so
 much of the said Acts of the Fourth and of the Sixth Years of
 the Reign aforesaid as are before recited, shall be and the same
 are hereby repealed, save and except as to any Allowance
 granted by the said Act of the Tenth Year aforesaid, and
 payable for or in respect of any Spirits distilled before the
 passing of this Act, and save and except as to any Penalty or
 Forfeiture before then incurred under the said Act of the
 Tenth Year aforesaid, or under any of the Clauses of the said
 Acts of the Fourth and of the Sixth Years aforesaid, before
 recited.

II. And be it enacted, That every Licensed Distiller in *Eng-land* may make or brew Worts or Wash and may distil Spirits from Sugar only, or from Potatoes only, or from Molasses only, or from the Extract or Preparation from Sugar or Molasses commonly known or called by the Name of Treacle, or from any Mixture of Sugar, Molasses, and Treacle, or of any Two of them, or from any Mixture of Sugar, Molasses, and Treacle, or any of them, and Malt or Grain, under the Provisions of this Act and of the said Act of the Sixth Year aforesaid (so far as the same is not hereby repealed), and under and subject to the Duties and Regulations, Penalties and Forfeitures, now by Law imposed for and in respect of Spirits distilled in *England*; and every Licensed Distiller in *Scotland* or *Ireland* may make or brew Worts or Wash and may distil Spirits from any of the Materials aforesaid, or from any Mixture of the Materials, as before specified, under the Provisions of this Act and of the said Act of the Fourth Year aforesaid (so far as the same is not hereby repealed), and under and subject to the respective Duties and Regulations, Penalties and Forfeitures, now by Law imposed for and in respect of Spirits distilled in *Scotland* and *Ireland* respectively.

III. Pro-

III. Provided always, and be it enacted, That in the annual Account on which a Charge of Duty may be made on every such Distiller, by the said Acts of the Fourth and Sixth Years of the Reign of His said Majesty King *George* the Fourth, when the Spirits are distilled from Sugar only, he shall be chargeable and charged with Duty after the Rate or Proportion of One Gallon of Proof Spirits for and in respect of every One hundred Gallons of the Worts or Wash attenuated during the Period of such annual Account for every Four Degrees of the Gravity specified in the Notice or Notices given by such Distiller of the Gravity of the Worts intended to be made by him during such Period in his Distillery; and when the Spirits are distilled from Sugar and any Mixture of such Materials, as before specified, he shall be chargeable and charged with Duty after the Rate or Proportion aforesaid for and in respect of the Worts made from Sugar, and for and after the Rate or Proportion of One Gallon of Proof Spirits for and in respect of every One hundred Gallons of the Worts or Wash attenuated during the Period of such annual Account for every Five Degrees of the Gravity specified in such Notice or Notices as aforesaid for and in respect of the Worts made from Grain, Molasses, and Treacle; and for the Purpose of ascertaining what Proportion of the whole Worts made during the Period comprised in such annual Account has been made from Sugar, and what from Grain, Molasses, and Treacle, it shall be calculated that the Quantity of Sugar necessary to make One Gallon of Worts at the Gravity specified in such Notice is the Quantity in Pounds Weight Avoirdupois of solid Extract *per* Imperial Gallon as indicated by the Saccharometer and such Tables as are approved of by the Commissioners of Excise for that Purpose, with Five *per Centum* added for Moisture and Impurities in the Sugar to such indicated Weight, and the total Number of Gallons of Worts made from Sugar shall be so calculated from the Quantity of Sugar removed from the Store-room in the Presence of the proper Officer to the Mash Tun or other Vessel, as in this Act after mentioned, and actually used in brewing or making the Worts distilled during the Period of such annual Account, and such Quantity of Worts being deducted from the whole Quantity of Worts made during the Period comprised in such annual Account, the Residue shall be deemed and taken to have been made from Grain, Molasses, and Treacle.

Charge on annual Account when Sugar only is used, and when Sugar mixed with Grain, &c. is used in the brewing the Worts.

IV. And be it enacted, That, except as provided by this Act, and by an Act of the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to permit the Distillation of Spirits from Mangel Wurzel*, it shall not be lawful for any Licensed Distiller in *England*, *Scotland*, or *Ireland* to make or brew any Worts or Wash or to distil any Spirits from any other Materials whatsoever than Malt, Corn, or Grain, or some Mixture thereof; and if any Licensed Distiller in *England*, *Scotland*, or *Ireland* makes or brews any Worts or Wash or distils any Spirits otherwise than as aforesaid he shall incur the Penalty

Distiller not to distil from other Materials than Malt and Grain, except as provided by this Act and 2 & 3 W. 4. c. 74.

Penalty of Two hundred Pounds, and all such Materials, Worts, Wash, and Spirits shall be forfeited.

Notice to be given by the Distiller of his Intention to use Sugar, &c.

V. And be it enacted, That every Distiller who is desirous of distilling Spirits from Worts or Wash made or brewed from any of the Materials as aforesaid, or from any Mixture of the Materials, as before specified, under the Provisions of this Act, shall, Six Days before he commences to brew any such Worts or Wash, give Notice in Writing to the proper Officer surveying his Distillery of his Intention so to do, specifying in such Notice which of the particular Materials aforesaid, or what Mixture of the Materials, as before specified, he intends to use, and that the same are not mixed with any other Materials whatever; and if at any Time after such Notice has taken effect any other Materials for Distillation than according to such Notice are used in the Distillery of such Distiller, or are found in any Place in or about such Distillery, other than the Rooms or Places entered for keeping such Materials, then and in every such Case such Distiller shall incur the Penalty of Two hundred Pounds, and all Materials found contrary hereto shall be forfeited.

Distiller may change his Materials, on Notice.

VI. Provided always, and be it enacted, That if any Distiller who has given any such Notice as aforesaid is desirous of commencing or recommencing to use any other of the Materials aforesaid, or any other of the Mixtures of Materials in this Act before specified, and other than as mentioned in the Notice by him before given, such Distiller may do so at any Time (such Time being at the Close of a distilling Period, and at least Seven Days distant from the Time when such Distiller began to use such Materials under the Notice last given by him), on giving Six Days previous Notice in Writing to the proper Officer of his Intention so to do.

No Sugar or Molasses to be received by Distillers except from the Customs Warehouse, and in same State as when cleared on Payment of Duty, the same to be accompanied with a Certificate from the proper Officer of Customs.

VII. And be it enacted, That no Distiller of Spirits using Sugar or Molasses for the Distillation of Spirits shall receive into his Custody or Possession any such Sugar or Molasses except from the Warehouse in which the same was warehoused under the Laws and Regulations of the Customs, and in the same State, and in the same Hogsheads, Puncheons, Casks, Bags, or Packages, with the same Marks and Numbers thereon, in which the same was cleared and delivered from such Warehouse on Payment of the Duty; and all such Sugar or Molasses shall be accompanied with a Certificate from the proper Officer of Customs, setting forth the Name of the Warehouse or Place from which the Sugar or Molasses is removed, and the Name of the Distillery and Distiller where and to whom the same is to be carried, and the Kind or Quality of such Sugar or Molasses, and the Number of Hogsheads, Puncheons, Casks, Bags, and Packages in which the same is contained, together with the Marks and Numbers thereon respectively, with the Tare and Net Weight of each, and the Amount and Rate of Duty paid on such Sugar or Molasses, together with the Date of such Payment; and every Distiller who receives into his Custody or Possession any Sugar
or

or Molasses except as aforesaid, or without the same being accompanied with such Certificate as aforesaid, shall for every such Offence incur the Penalty of Two hundred Pounds, and all such Sugar or Molasses shall be forfeited.

VIII. And be it enacted, That no Distiller of Spirits using Treacle as aforesaid for the Distillation of Spirits shall receive into his Custody or Possession any such Treacle except from the Warehouse of the Sugar Refiner or Manufacturer of such Treacle from Sugar or Molasses, and in the same State, and in the same Hogsheads, Puncheons, or Casks, (none of them being less than of the Content of Fifty Gallons,) with the same Marks and Numbers thereon, in which the same was first prepared and packed in Warehouse; and all such Treacle shall be accompanied with a Certificate from the Sugar Refiner or Manufacturer by whom the same was made or prepared, setting forth the Name of the Warehouse or Place where such Treacle was made and from which the same was removed, and the Name of the Distillery and Distiller where and to whom the same is to be carried, and the Number of Hogsheads, Puncheons, and Casks, not being less than aforesaid, in which the same is contained, together with the Marks and Numbers thereon respectively, with the Tare and Net Weight of each; and every Distiller who receives into his Custody or Possession any Treacle except as aforesaid, or without the same being accompanied with such Certificate as aforesaid, shall for every such Offence incur the Penalty of Two hundred Pounds, and all such Treacle shall be forfeited.

No Treacle to be received by Distillers except from the Refiner or Manufacturer, and in the same State and Packages as when first packed, and unless accompanied with Certificate from the Refiner or Manufacturer.

IX. And be it enacted, That every Distiller intending to use Sugar or Molasses or Treacle, as aforesaid, in the Distillation of Spirits, shall provide and keep a separate and convenient and secure Storehouse or Room for each (if so required by the Commissioners of Excise) at his Distillery, which has sufficient Light, and is approved of by the Commissioners of Excise, for the Purpose of depositing, storing, and securing therein respectively the Sugar, Molasses, or Treacle received by him for the Distillation of Spirits, and every such Storehouse or Room, when so approved of, shall be specially entered by such Distiller for the Purpose aforesaid, and the proper Collector or Supervisor of the District shall provide and affix proper Locks and Fastenings thereto, at the Expense of such Distiller, who may, if he please, affix other Locks and Fastenings thereto, the Keys of which last-mentioned Locks he may keep; and in such separate Storehouse or Room every such Distiller shall keep all Sugar, Molasses, or Treacle received by him as aforesaid, to be deposited therein in the Presence of an Officer of Excise, and on such Notice as after mentioned; and no such Sugar, Molasses, or Treacle shall be delivered or removed out of any such Storehouse or Room except in the Presence of an Officer of Excise, and on such Notice as after mentioned, and except for the Purpose of being conveyed immediately to the Mash Tun or to such other Vessel as with the Approbation of the Commissioners of Excise is entered for that Purpose, to be there immediately dissolved and used in the Manufacture of Spirits; and if any

Distiller using Sugar, Molasses, or Treacle to provide Storehouses at his Distillery, to be approved of, in which all Sugar, Molasses, or Treacle received by him shall be deposited, and secured under Lock of the proper Officer.

No Sugar, &c. to be removed out of such Storehouse, except in the Presence of an Officer of Excise.

Penalty.

Distiller to give
Twelve Hours
Notice of re-
ceiving Sugar,
&c., and pro-
duce the same
in the same
State, with the
Certificate, to be
deposited in the
Storehouse.

such Distiller refuses or neglects to provide and keep any such Storehouse or Room, or to make Entry thereof, as aforesaid, or refuses or neglects to pay for any Lock, Key, or Fastening for securing the same provided and fixed by such Collector or Supervisor as aforesaid, or obtains Admission or Entrance into any such Storehouse or Room, or has the Means of so doing, or deposits any Sugar, Molasses, or Treacle therein, or removes any Sugar, Molasses, or Treacle therefrom, except in the Presence of and upon due Notice to the proper Officer of Excise, and except for such Purpose as aforesaid, or does not deposit in a separate and secure Storehouse or Room as aforesaid all Sugar, Molasses, or Treacle received by him, every such Distiller shall for every such Offence incur the Penalty of Two hundred Pounds, and all Sugar, Molasses, and Treacle deposited or removed contrary hereto shall be forfeited.

X. And be it enacted, That every Distiller using Sugar, Molasses, or Treacle, as aforesaid, for the Distillation of Spirits, shall, before receiving any such Sugar, Molasses, or Treacle, give Twelve Hours previous Notice in Writing to the Officer surveying his Distillery of the Time of Arrival of such Sugar, Molasses, or Treacle; and every such Distiller shall, on the Attendance of the Officer on such Notice, produce to him all the Sugar, Molasses, or Treacle, as the same have been respectively received by him, in the same State, and in the same Hogsheads, Puncheons, Casks, Bags, or Packages, with the same Marks and Numbers thereon, as the same was cleared and delivered from the Customs Warehouse on Payment of Duty, if Sugar or Molasses, (or as the same was prepared and packed in the Warehouse of the Sugar Refiner or Manufacturer thereof if the same be Treacle,) and such Distiller shall at the same Time deliver up to such Officer the Certificate which accompanied such Sugar, Molasses, or Treacle, and, on being required by the Officer, such Distiller shall weigh or cause to be weighed and shall give the Officer all necessary Assistance in taking account of all such Sugar, Molasses, and Treacle, in such Manner as the Commissioners of Excise may direct; and such Officer, after due Examination, and on being satisfied therewith, shall permit and suffer such Distiller to deposit the same in a separate locked-up Storehouse or Room, as before mentioned; and if any such Distiller receives any such Sugar, Molasses, or Treacle without having given such Notice, or fails to produce such Sugar, Molasses, or Treacle, or to deliver up such Certificate as aforesaid, or makes any Alteration in the Quantity or Quality of such Sugar, Molasses, or Treacle, or in the Hogsheads, Puncheons, Casks, Bags, or Packages containing the same, or in the Marks or Numbers thereon, from that which the same respectively were when such Sugar or Molasses was cleared and delivered from the Customs Warehouse, or when such Treacle was prepared and packed in the Warehouse of the Sugar Refiner or Manufacturer thereof, and before such Officer as aforesaid has seen such Sugar, Molasses, or Treacle weighed or taken account of and deposited as aforesaid, every such Dis-
tiller

tiller so offending shall incur the Penalty of Two hundred Pounds, and all such Sugar, Molasses, and Treacle shall be forfeited.

XI. And be it enacted, That when any Distiller using Sugar, Molasses, or Treacle as aforesaid, in the Distillation of Spirits, is desirous of taking or removing any Sugar, Molasses, or Treacle out of such Storehouse or Room as aforesaid, for the Purpose of the same being conveyed to the Mash Tun, or to such other Vessel as, with the Approbation of the Commissioners of Excise, is entered for that Purpose, to be there dissolved, and used in the Manufacture of Spirits, such Distiller shall give Six Hours previous Notice in Writing to the Officer surveying the Distillery of the Time when and the Quantity of Sugar, Molasses, or Treacle which he is desirous of removing as aforesaid; and every such Officer receiving such Notice shall attend in pursuance thereof at the Time therein mentioned, and shall unlock the Storehouse or Room from which such Sugar, Molasses, or Treacle is to be removed, and shall see weighed out therefrom the Quantity of Sugar, Molasses, or Treacle expressed in such Notice, or such Part thereof as the Distiller may desire; and all such Sugar, Molasses, or Treacle shall be delivered from such Storehouse or Room in the original Package only; and all such Sugar, Molasses, or Treacle shall then be conveyed by the Distiller directly from such Storehouse or Room to the Mash Tun, or to such other Vessel as aforesaid in the Distillery of such Distiller, to be there dissolved and used in the Manufacture of Spirits, or shall forthwith be deposited again by such Distiller in such separate Storehouse or Room as aforesaid, under the Lock of the Officer, until the same is again removed on like Notice as aforesaid; and if any such Distiller removing any Sugar, Molasses, or Treacle as aforesaid does not convey the same directly from the Storehouse or Room to the Mash Tun, or to such other Vessel as aforesaid, and there dissolve and use the same in the Manufacture of Spirits, or does not forthwith deposit the same again as aforesaid, or removes or disposes of the same otherwise than as aforesaid, every such Distiller so offending shall for every such Offence forfeit and lose the Sum of Two hundred Pounds, and all Sugar, Molasses, and Treacle so removed, which are not conveyed, dissolved, and used, or again deposited as aforesaid, and all Sugar, Molasses, and Treacle which are found deposited in any other Place in the Distillery, or in any Premises adjoining thereto, except in the separate Storehouse or Room, or Mash Tun or such other Vessel as aforesaid, shall be forfeited.

Six Hours
Notice before
removing from
the Storehouse
to the Mash
Tun.

To be conveyed
direct from the
Storehouse to
the Mash Tun,
or re-deposited.

Penalty 200l.
and Forfeiture.

XII. And be it enacted, That the proper Officer of Excise shall, in such Manner and at such Times as the Commissioners of Excise may direct, keep an Account, by way of Debtor and Creditor, of the Sugar, Molasses, or Treacle as aforesaid in Stock in each separate Storehouse or Room provided by every Distiller using Sugar, Molasses, or Treacle in the Distillation of Spirits as aforesaid, and shall in such Account credit such Stock with the full Quantity of Sugar, Molasses, or Treacle which is from Time to Time deposited in such Storehouse or Room as

Officer to keep
Account of
Stock in the
Storehouse.

aforesaid, and shall debit such Stock with the full Quantity of Sugar, Molasses, or Treacle which is from Time to Time weighed by him and removed from such Storehouse or Room for the Purpose of the same being conveyed to the Mash Tun or to such other Vessel as with the Approbation of the Commissioners of Excise is entered for that Purpose, to be there dissolved and used in the Distillation of Spirits; and if at any Time, upon striking a Balance on such Account, the Quantity of Sugar, Molasses, or Treacle in such Storehouse or Room as aforesaid is found to exceed the Quantity which by the Stock Account kept by such Officer as aforesaid ought to be in such Storehouse or Room, every such Distiller shall be deemed and taken to have deposited Sugar, Molasses, or Treacle therein without the same having been deposited in the Presence of and upon due Notice to the proper Officer of Excise, and all such Excess of Sugar, Molasses, or Treacle shall be forfeited; and if the Quantity of Sugar, Molasses, or Treacle in such Storehouse or Room as aforesaid is found to be less than the Quantity which by the Stock Account kept by such Officer as aforesaid ought to have been in such Storehouse or Room, every such Distiller shall be deemed and taken to have removed Sugar, Molasses, or Treacle therefrom without the same having been removed in the Presence of and upon due Notice to the proper Officer of Excise; and every such Distiller shall, over and above all other Penalties, forfeit the Penalty of Twenty Pounds: Provided always, that such last-mentioned Penalty shall not be incurred if such Deficiency is proved to the Satisfaction of the Commissioners of Excise to have arisen from unavoidable Accident or Loss.

Distiller to provide Scales and Weights, and assist the Officer in weighing the Sugar, &c.

XIII. And be it enacted, That every Distiller using Sugar, Molasses, or Treacle as aforesaid in the Distillation of Spirits, and providing such Storehouses or Rooms as aforesaid, shall keep sufficient and just Scales and Weights therein respectively, and shall, when thereunto required by any Officer of Excise, arrange and place all Sugar, Molasses, or Treacle deposited in such Storehouse or Room so as to enable such Officer easily and conveniently to weigh and take an Account of the same; and such Distiller shall, by himself or his Servants, assist the Officer, as thereunto required, in weighing and taking an Account of all such Stock, and in weighing and taking an Account of all Sugar, Molasses, or Treacle received and deposited in each such Storehouse or Room as aforesaid, or removed therefrom for the Purpose of being conveyed to the Mash Tun or to such other Vessel as, with the Approbation of the Commissioners of Excise, is entered for that Purpose; and if any such Distiller keeps any false, unjust, or insufficient Scales and Weights, or by any Art, Device, or Contrivance prevents or impedes such Officer from taking a just and true Account of such Stock or Commodities as aforesaid, he shall incur the Penalties and Forfeitures now in that respect imposed by the Laws of Excise in such Case made and provided; and if any such Distiller does not arrange and place such Stock as aforesaid, or does not assist such Officer

Officer as aforesaid, he shall for each and every such last-mentioned Offence incur the Penalty of One hundred Pounds.

XIV. And for encouraging the Use of Sugar in the Distillation of Spirits, be it enacted, That every Distiller who, under the Regulations of this Act, distils Spirits from Worts or Wash brewed or made from Sugar only, or from Molasses only, or from any Mixture of these Materials and Treacle or Malt or Grain, shall at the Close of every brewing and distilling Period be entitled, under such Regulations, Provisoos, and Restrictions as after mentioned, to an Allowance at and after the Rate specified in Schedule (A.) to this Act annexed for and in respect of every One hundred and twelve Pounds Weight Avoirdupois of the Sugar actually used by him in the brewing or making of the Worts or Wash from which the Spirits were distilled during such Period, and to an Allowance at and after the Rate specified in Schedule (B.) to this Act annexed for and in respect of every One hundred and twelve Pounds Weight Avoirdupois of the Molasses actually used by him in the brewing or making of the Worts or Wash from which the Spirits were distilled during such Period, such respective Allowances being severally granted for and in respect of the Duty charged upon the Sugar or Molasses respectively deposited in such Storehouse or Room as aforesaid, and afterwards removed therefrom to be conveyed to the Mash Tun or to such other Vessel as with the Approbation of the Commissioners of Excise is entered for that Purpose, and actually dissolved there, and used in making the Worts or Wash from which the Spirits distilled during such Period and charged with Duty have been made.

XV. And be it enacted, That every Distiller who uses Sugar or Molasses in the Distillation of Spirits, and claims any such Allowance aforesaid, shall from Time to Time, and at the End of every distilling Period, deliver to the proper Officer an Account in Writing of the Quantity of Sugar and Molasses removed from his locked-up Storehouse or Room, and conveyed to the Mash Tun or such other Vessel as aforesaid, and actually dissolved there, and used in brewing or making Worts or Wash distilled during such Period; and such Officer shall thereupon transmit such Account, and at the same Time make a Return in Writing, signed by such Officer, to the Collector of Excise, specifying the Quantity of Sugar and Molasses which appears by the Stock Account kept by such Officer of the Sugar and Molasses in such Storehouse or Room as aforesaid to have been removed therefrom for the Purpose of being conveyed to the Mash Tun or to such other Vessel as aforesaid, to be used in the Distillation of Spirits during such Period, and of the Quantity of Proof Spirits with which such Distiller has been charged with Duty for or in respect of such Worts or Wash as aforesaid, and whether such Worts or Wash had been made from Sugar only, or from Molasses only, or from any Mixture of these Materials and Treacle or Malt or Grain; and every such Distiller, or the principal Manager of his Distillery, shall make and subscribe a Declaration to the Truth of the Account so

Allowance to Distiller on Spirits made from Worts or Wash in which Sugar or Molasses is used for every 112 lbs. Weight of the Sugar used according to Schedule (A.), and of the Molasses used according to Schedule (B.)

Distiller who claims the Allowance to deliver an Account of the Quantity of Sugar or Molasses used;

and to make Declaration thereto.

delivered by him as aforesaid, in the Form or to the Effect following:

‘ I *A.B.* [Distiller, or principal Manager of the Distillery of
‘ *C.D.*, as the Case may be,] do solemnly declare, That within
‘ the brewing Period commencing on the Day of
‘ and ending on the Day of both inclusive,
‘ there were actually removed from locked-up Store-
‘ house or Room situate at Distillery, and conveyed
‘ to the Mash Tun or to the Vessel entered for that Purpose at
‘ the said Distillery, the Quantity of Pounds Weight
‘ of Sugar [or Molasses, or both, as the Case may be], and no
‘ more, and that within the said Period there were actually
‘ dissolved and used in the Distillation of Spirits
‘ Pounds Weight of Sugar, [or Molasses, or both, as the Case may
‘ be], and no more, and that all the Duties of Customs on the
‘ whole of the Sugar [or Molasses, or both, as the Case may be],
‘ so dissolved and used were duly paid, and that all the Spirits
‘ distilled in the aforesaid Period have been duly brought to
‘ charge and charged with Duty by the proper Officer.’

Penalty for false
Declaration.

And if such Declaration is untrue in any Particular the Distiller by whom or on whose Behalf such Declaration has been made shall forfeit all such Allowance, and also the Sum of Two hundred Pounds.

The Collector,
on receiving
such Account
and Declaration,
to pay the
Allowance according to the
Quantity of
Sugar and Molasses actually
removed.

XVI. And be it enacted, That the Collector of Excise who receives such Account, and Declaration thereto, and the Return in Writing aforesaid, shall, on being satisfied therewith, pay or allow to such Distiller, in such Manner as the Commissioners of Excise may direct, in respect of the Sugar used, a Sum after the Rate specified in Schedule (A.) annexed to this Act for and in respect of every One hundred and twelve Pounds Weight Avoirdupois of Sugar which appears by such Account and Return in Writing as aforesaid to have been actually used in the brewing or making of the Worts or Wash from which the Spirits were distilled during such Period; and in respect of the Molasses used such Collector shall in like Manner allow a Sum after the Rate specified in Schedule (B.) to this Act annexed, for and in respect of every One hundred and twelve Pounds Weight Avoirdupois of Molasses which appears by such Account and Return in Writing as aforesaid to have been actually used in the brewing or making of the Worts or Wash from which the Spirits were distilled during such Period: Provided always, that in every Case of such Allowance as aforesaid, if the Distiller has been charged with or owes any Duty or Duties, or is liable to the Payment of any Penalty or Penalties adjudged against such Distiller for any Offence against this Act, or any other Act relating to the Revenue of Excise, such Collector may from Time to Time apply the Amount of every such Allowance, or a sufficient Part thereof, in satisfaction of such Duty or Duties, Penalty or Penalties, or any of them.

If the Distiller
owes Duties or
Penalties, the
same may be
deducted from
the Allowance.

Act may be
amended, &c.

XVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

	From the passing of the Act to 10th July 1849.	From 10th July 1849 to 10th July 1850.	From 10th July 1850 to 10th July 1851.	From and after 10th July 1851.
Allowances to be paid to Dis- tillers for and in respect of Sugar used in the Distillation of Spirits; viz.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
For and in respect of every 112lbs. of Sugar actually used in the brewing or making of the Worts or Wash - - -	0 11 10½	0 10 10½	0 9 10½	0 8 10½

SCHEDULE (B.)

	From the passing of the Act to 10th July 1849.	From 10th July 1849 to 10th July 1850.	From 10th July 1850 to 10th July 1851.	From and after 10th July 1851.
Allowances to be paid to Dis- tillers for and in respect of Molasses used in the Distil- lation of Spirits; viz.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
For and respect of every 112lbs. of Molasses ac- tually used in the brew- ing or making of the Worts or Wash - -	0 4 1	0 3 9	0 3 5	0 3 0

CAP. CI.

An Act to provide for the Expenses of erecting and maintaining Lock-up Houses on the Borders of Counties.
[4th September 1848.]

‘ WHEREAS by an Act of Parliament passed in the Sixth
‘ Year of the Reign of Her present Majesty, intituled
‘ *An Act for the Appointment and Payment of Parish Constables,* 5 & 6 Vict.
‘ it was enacted, that it should be lawful for the Justices of the c. 109.
‘ Peace of any County in General or Quarter Sessions assem-
‘ bled, if they should think fit, to order that Lock-up Houses
‘ for the temporary Confinement of Persons taken into Custody
‘ by any Constable, and not yet committed for Trial, or in
‘ execution of any Sentence, should be provided in such Places
‘ within their County as the said Justices should think fit, and
‘ for that Purpose to purchase and hold Lands and Tenements,
‘ or to appropriate to that Purpose any Lands and Tenements
‘ belonging to the County which were not needed for the Pur-
‘ pose to which they were applied or intended to be applied
‘ before

Power to Justices to enter into Agreements for providing Lock-up Houses for Two or more Counties, &c. which shall be maintained at their joint Expense.

No Lock-up House to be erected except as approved by Secretary of State.

Justices in Quarter Sessions may appoint a Committee of Justices;

‘ before such Appropriation, or, instead of providing new Lock-up Houses, to order that the Lock-up Houses, Strong-rooms, or Cages belonging to any Parish be appropriated for the Purpose of that Act, and, if necessary, be enlarged or improved, and that the Expenses of building, hiring, or otherwise providing, repairing, and furnishing such Lock-up Houses should be defrayed out of the County Rates: And whereas it is often desirable that on the Borders of Two or more Counties or Places having respectively a separate General or Quarter Sessions of the Peace, or in some other Situation convenient for the common Use of such Counties or Places, a Lock-up House for the Purposes in the said Act mentioned should be provided and maintained, to which Persons apprehended by Constables or remanded by Justices in each of such Counties or other Places may be temporarily confined previously to their being committed for Trial, or in execution of any Sentence:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Justices of the Peace in and for any County, and for the Mayor, Aldermen, and Burgesses of any Borough (having a separate Commission of the Peace), to agree with the Justices of the Peace of any One or more County or Counties, or with the Mayor, Aldermen, and Burgesses of any One or more such Borough or Boroughs, that a Lock-up House shall be erected, hired, or otherwise provided at some Place or Places on or near any common Boundary, or in any other Situation convenient for the Purposes aforesaid, or that a Lock-up House for any County or Borough, or any Lock-up House, Strong-room, or Cage which might have been appropriated for a County under the said Act, and which shall be in a Situation convenient for the Purposes aforesaid, shall be appropriated, and, if necessary, enlarged or improved for such Purposes accordingly, and that the same shall be so provided or appropriated, enlarged, and improved, and shall be from Time to Time repaired and furnished, and a Superintendent Constable appointed and paid for taking charge thereof, at the joint Expense of the Counties and Boroughs, by the Justices and Mayor, Aldermen, and Burgesses of which respectively such Agreement shall be made, in such Manner and Proportions as in the said Agreement shall be specified: Provided always, that no such Lock-up House shall be erected, hired, provided, appropriated, enlarged, or improved, except upon such Plan as shall be approved of by One of Her Majesty’s Secretaries of State: Provided also, that every such Lock-up House shall be subject to the Inspection of the Inspectors of Prisons.

II. And be it enacted, That it shall be lawful for the Justices of the Peace of any County in General or Quarter Sessions assembled (and due Notice having been previously given according to the Practice of the said Sessions) to take into consideration the Expediency of making any such Agreement as aforesaid

aforesaid with any such Parties as aforesaid, and if the Justices then and there assembled shall resolve that it is expedient that such Agreement should be made, to appoint not less than Three and not more than Five Justices for the said County to be a Committee for treating with any Committee appointed by any other of the Parties aforesaid for the Purposes aforesaid, and from Time to Time at such Quarter Sessions, or at any Adjournment thereof, to fill up any Vacancy in the said Committee; and it shall be also lawful for the Council of any such Borough, at a Special Meeting to be called for that Purpose, to take into consideration the Expediency of making any such Agreement as aforesaid with any of such Parties as aforesaid, and if the Council shall resolve that it is expedient that such Agreement should be made, to appoint not less than Three and not more than Five Persons, being Members of such Council or Justices for such Borough, to be a Committee for treating with any Committee appointed by any other of the Parties aforesaid for the Purposes aforesaid, and from Time to Time at a quarterly Meeting of the Council to fill up any Vacancy in the said Committee.

and Councils of Boroughs may appoint a Committee of Councillors to make such Agreement.

III. And be it enacted, That the Committees so appointed shall be deemed to represent severally each of the contracting Parties, and shall meet and form One Joint Committee, and may draw up an Agreement for the Purposes of this Act, which Agreement, when subscribed by the greater Number of the Members of such Joint Committee severally representing each of the contracting Parties, and approved as herein-after directed, shall be binding upon all the said Parties to all Intents and Purposes; and every such Agreement shall specify the Place where such Lock-up House is to be situated, and the Salary of the Superintendent Constable, and the Proportion in which the Expenses of purchasing (where a Site is to be purchased) the Site, and of building or enlarging, improving and fitting and furnishing, such Lock-up House, and of repairing the same; and the Salary of such Superintendent Constable shall be borne by each of the contracting Parties; and such Agreement may specify or provide where a Site is to be purchased for the Appointment of Trustees to and in whom the same shall be conveyed and vested in trust for all the Counties and Boroughs on behalf of which the same shall be purchased; and such Agreement shall provide how the Appointment of the Superintendent Constable of such Lock-up House shall be from Time to Time made.

Committees so appointed may unite for the Purpose of forming One Committee.

Agreements to specify Situation of Lock-up House.

IV. And be it enacted, That wherever any Agreement shall have been so entered into and signed, the Committee appointed by each County and Borough respectively shall report the Agreement for Approval to the General or Quarter Session of the Peace of every such County holden next after the making thereof, and to a Special Meeting of the Council of every such Borough, to be convened for the Purpose, and shall deliver to the Court and Council respectively a Duplicate of the Agreement to be filed by the Clerk of the Peace and by the Town

Agreements to be approved by General or Quarter Sessions and Councils of Boroughs respectively.

Committees may be directed to re-assemble, or other Committees may be appointed, for carrying the Agreement into execution.

Lock-up Houses provided under this Act to be deemed Lock-up Houses for each County or Borough.

Superintendents to hold Office during good Behaviour, and be paid a Salary, and have Powers of Parish Constables.

Interpretation of Act.

Act may be amended, &c.

Clerk of each of the said Parties respectively, to be by them kept with the Records of the several Parties aforesaid: Provided always, that if such Agreement be not so approved, it shall be lawful for the said contracting Parties severally to refer the same back for Reconsideration to the said Joint Committee, after which the same shall be again reported until finally approved as aforesaid, or until any of the Parties shall break off the Agreement or Treaty; and after such Agreement shall have been approved the Justices of each County and the Council of each Borough concerned therein may direct the Committees by them respectively appointed to re-assemble, or may from Time to Time appoint other Committees to meet, together with Committees appointed by the Justices or Council, as the Case may be, of the other County or Borough concerned therein, to execute such Agreement, and to do all necessary Acts consequent upon such Agreement as Occasion may require; and such Committees shall have Power to do all necessary Acts accordingly, and may cause to be purchased and conveyed in such Manner as by such Agreement shall be provided, or as the Justice or Justices and Council, Parties to any such Agreement, may direct, any Land which may be required for the Purposes of this Act.

V. And be it enacted, That so far as respects the Power to detain therein and remand thereto, and to convey thereto and therefrom, Persons taken into Custody, every such Lock-up House shall be deemed a Lock-up House in and for each of the Counties and Boroughs for the joint Use of which the same shall be provided, and all Justices, Constables, and others shall have Authority accordingly.

VI. And be it enacted, That every Superintendent Constable so appointed as aforesaid to take charge of such Lock-up House as aforesaid shall be entitled to hold his Office during good Behaviour, or until he shall be dismissed therefrom by the Orders of such Justices and Council, or otherwise as by such Agreement may be provided, and shall be paid such Salary, and in such Manner, and at such Times, and in such Proportions, out of the County, Borough, or other Rates, as shall be provided by such Agreement; and every such Superintending Constable shall have all the Powers and Immunities of a Parish Constable under the said recited Act, and shall have the Superintendence of all the Parish Constables appointed in such Parishes as shall be specified in the said Agreement, and under such Regulations as shall be therein provided.

VII. And be it enacted, That in this Act the Word "County" shall include every Riding, Part, or Division of a County having a separate Commission of the Peace, and every Liberty having a separate Commission of the Peace; the Word "Borough" shall include a City, Town, or Port; Words importing the Plural Number shall include the Singular Number, and Words importing the Singular Number shall include the Plural Number.

VIII. And be it enacted, That this Act may be amended or repealed in the present Session of Parliament.

CAP. CII.

An Act to enlarge the Powers of an Act empowering the Commissioners of Her Majesty's Woods to form a Royal Park in *Battersea Fields*; to facilitate the raising of Monies authorized to be raised by the said Commissioners for Metropolitan Improvements; and to regulate and simplify the Mode of keeping the Accounts of the Commissioners of Her Majesty's Woods.

[4th September 1848.]

‘ WHEREAS by an Act passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to empower the Commissioners of Her Majesty's Woods to form a Royal Park in Battersea Fields in the County of Surrey*, the said Commissioners, with the Consent of the Lord High Treasurer, or the Commissioners for the Time being for executing the Office of Lord High Treasurer of the United Kingdom, were authorized, out of any Sum or Sums of Money, not exceeding in the whole the Sum of Two hundred thousand Pounds, to be advanced and lent to them by the Commissioners for issuing Exchequer Bills for Public Works to purchase Lands for a Royal Park in the Parish of *Saint Mary, Battersea*, in the County of *Surrey*: And whereas by an Act passed in the same Session of Parliament, intituled *An Act to empower the Commissioners for the Issue of Loans for Public Works and Fisheries to make Loans in Money to the Commissioners of Her Majesty's Woods in lieu of Loans heretofore authorized to be made in Exchequer Bills*, the Commissioners for Loans for Public Works and Fisheries were empowered to make Loans to the Commissioners of Woods in Money, in lieu of Exchequer Bills, and the Provisions in the said first-recited Act contained with respect to Loans in Exchequer Bills, were extended to Loans in Money: And whereas the said Commissioners of Her Majesty's Woods have proceeded to execute the said first-recited Act, and have contracted to purchase Lands required for the Site of the said intended Park, under the Powers and pursuant to the Directions in the said Act contained; but the Commissioners for the Issue of Loans for Public Works and Fisheries have not at present Funds at their Command whereout they can advance sufficient Monies to enable the said Commissioners of Her Majesty's Woods to complete such Purchases, and much Inconvenience to the Public and Injury to Individuals may be occasioned if the Completion of the said Purchases and the Formation of the said Park be suspended: In remedy whereof may it please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

in

9 & 10 Vict.
c. 38.

9 & 10 Vict.
c. 83.

Commissioners
of Woods, &c.
empowered to
give Securities
for Purchase
Money.

in every Case where the Value of any Lands, Tenements, or Hereditaments, or of any subsisting Leases, Terms, Shares, Estates, or Interests therein, or Charges thereon, which have been or shall be agreed to be purchased by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, (herein-after designated as the Commissioners of Her Majesty's Woods,) under the Powers or for the Purposes of the said first-recited Act, or the Price or Consideration to be paid for the same has been or shall be agreed upon or ascertained, and such Price or Consideration shall remain unpaid, and the Person or Persons entitled thereto shall be willing to receive Security on the Land Revenues of the Crown for such Price or Consideration, in lieu of immediate Payment of the same, it shall and may be lawful for the said Commissioners, by and with the Consent and Approbation of the Lord High Treasurer, or of the Commissioners for the Time being for executing the Office of Lord High Treasurer of the United Kingdom, or any Three or more of them, upon such Conveyances of the Premises as the said Commissioners of Her Majesty's Woods for the Time being shall require being executed, and delivered to the said Commissioners, to make out and deliver to the Person or Persons to whom such Price or Consideration shall be due, or to their respective Trustees or Trustee, a Certificate under their Hands and Seals, or under the Hands and Seals of any Two of them, in the Form or to the Effect following; (that is to say,)

Form of Certificate to be granted of such Security.

‘ IN pursuance of a Warrant from the Lord High Treasurer
‘ [or from the Commissioners of Her Majesty's Treasury, as
‘ *the Case may be*], we, *A. and B.*, Two of the Commissioners
‘ for executing an Act passed in the Ninth and Tenth Years of
‘ the Reign of Queen Victoria, intituled “An Act” [*here insert*
‘ *the Title of the first-recited Act*], in exercise of the Powers
‘ vested in us by the said Act, and by another Act passed in the
‘ Eleventh and Twelfth Years of the Reign of Queen Victoria
‘ [*here insert the Title of this Act*], do certify, That the Sum of
‘ Pounds, being the Consideration agreed to be
‘ paid to *C.D.* [*insert the Name or Description of the Person or*
‘ *Persons entitled thereto*] for the Purchase of his [*her or their*]
‘ Interest [*or Interests*] in certain Lands, Tenements, or Here-
‘ ditaments [*state the Nature and Description of the Premises sold*],
‘ which has [*or have*] been purchased by the said Commissioners
‘ for the Purposes of the said first-recited Act, remains due and
‘ unpaid to the said *C.D.*, and that the said Sum of
‘ Pounds, being such Purchase Money as aforesaid, is to, and
‘ shall immediately from the Date hereof, by virtue of the said
‘ last-recited Act of the Eleventh and Twelfth Years of Her
‘ Majesty's Reign, become and be a Charge on [*the whole, or*
‘ *any particular Portion, to be therein described,*] of the Land
‘ Revenues of the Crown (other than Royal Parks and Palaces,
‘ and the Possessions and Land Revenues of the Crown in the
‘ County of Middlesex and City of London respectively), and
‘ such Revenues, other than as aforesaid, shall (save and except

‘ so far as the same are liable for any existing Loans advanced
 ‘ on the Credit thereof, or Charges thereon,) henceforth be
 ‘ subject and liable to the Payment to the said *C.D.*, his Execu-
 ‘ tors, Administrators, or Assigns, of the said Principal Sum so
 ‘ due to him [*or them*], on the Day of
 ‘ [*insert the Time or Times of Payment agreed upon*], and to the
 ‘ Payment of Interest for the same, or for so much of the said
 ‘ Principal Sum as shall from Time to Time remain unpaid,
 ‘ after the Rate of Five Pounds per Centum per Annum [*or*
 ‘ *lower Rate, as the Case may be*], such Interest to be computed
 ‘ from the Date hereof, and to be paid, without any Deduction
 ‘ (save the Income or Property Tax, if any, for the Time
 ‘ being), by half-yearly Payments, until the whole of the said
 ‘ Principal Sum, and Interest thereon, shall be fully paid and
 ‘ discharged. Given under our Hands and Seals, this
 ‘ Day of One thousand eight hundred and .’

And every such Certificate shall be witnessed by One of the Secretaries (if any) or Clerks of the said Commissioners of Her Majesty’s Woods, and shall be enrolled in the Office of Land Revenue Records and Enrolments, and a Minute or Extract thereof shall be entered and preserved in the Office of the said Commissioners; and every such Certificate, when so given, granted, and enrolled, shall be and is hereby declared to be conclusive Evidence of the Purchase Money remaining due to the Person or Persons receiving such Certificate: Provided always, that the aggregate Amount for or in respect of which such Certificates may be granted by the said Commissioners shall not exceed the Sum of Two hundred thousand Pounds.

Certificates to be enrolled in the Office of Land Revenue Records and Enrolments.

II. And be it enacted, That when any such Certificate shall be so signed, and enrolled, and entered as aforesaid, every Sum or Sums of Money therein expressed or acknowledged to be due as such Purchase Money as aforesaid shall be and the same is and are hereby charged upon the whole, or such particular Portion as shall be therein described, of the Land Revenues of the Crown, other than Royal Palaces and Parks, and the Possessions and Land Revenues of the Crown in the County of *Middlesex* and City of *London* respectively, and such Revenues, other than as aforesaid, and the Income thereof, shall from thenceforth be subject and liable to the Payment of the same and the Interest thereof, and such Principal and Interest shall be paid and satisfied out of the said Revenues and the Income thereof at the Time or Times and in the Manner mentioned and appointed for the Payment thereof in and by every such Certificate, and such Principal and Interest, when and as the same shall become due and payable, shall be paid and payable out of the said Land Revenues of the Crown, other than as aforesaid, and the Income thereof, prior to any other Application of such Revenues and Income, except the Payment of Interest due and payable on any existing Loan or Loans antecedently advanced on the Credit thereof, and except so far as such Revenues, or the Income thereof, are or ought to be applied in the Repayment of any such Loan or Loans, or in the Payment

Land Revenues charged with the Payment of Principal and Interest of Monies expressed in Certificates.

Payment of any Charges to which such Revenues are now by Law liable.

Delivery of
Certificates
to be deemed
equivalent to
Payment of
Money awarded
for Purposes of
first-recited
Act.

III. ' And whereas by the said first-recited Act of the Ninth
' and Tenth Years of Her Majesty's Reign certain Powers and
' Authorities are given to the said Commissioners of Her Ma-
' jesty's Woods, to be exercised after Payment or legal Tender
' of the Sum or Sums of Money, Recompence, and Satisfaction
' to be agreed for, awarded, or assessed as therein mentioned: ' Be it enacted, That the Certificates hereby authorized to be
granted by the said Commissioners for any Purchase Monies,
Price, or Consideration due to any Person or Persons shall,
on Delivery of the same, be deemed and taken to be and be
equivalent to and as Payment of Money agreed for, awarded,
or assessed for all the Purposes of the said first-recited Act;
and all the Powers, Authorities, and Provisions in the said Act
contained shall and may, on the Delivery of each such Certifi-
cate, be exercised and carried into effect as fully and amply
as if the Sum or Sums of Money mentioned in each such
Certificate, and the Interest thereof, had been actually paid.

Loans by Public
Works Com-
missioners to
be applied in
Redemption of
Certificates.

IV. And be it enacted, That the Monies to be advanced by
the Commissioners for the Issue of Loans for Public Works and
Fisheries, *et cætera*, upon the Security mentioned in the said
first-recited Act, shall, when received by the said Commissioners
of Her Majesty's Woods, be appropriated and applied by them
in paying off and discharging the Securities which may be
granted by them upon the Land Revenues of the Crown under
the Authority of this Act.

4 & 5 Vict. c. 40.

V. ' And whereas by an Act passed in the Session of Parlia-
' ment held in the Fourth and Fifth Years of the Reign of Her
' present Majesty, intituled *An Act to empower the Commissioners*
' *of Her Majesty's Woods to raise Money for certain Improvements*
' *in the Metropolis on the Security of the Land Revenues of the*
' *Crown within the County of Middlesex and City of London*, it
' was enacted, that it should be lawful for the Commissioners of
' Her Majesty's Woods, Forests, Land Revenues, Works, and
' Buildings for the Time being, with the Consent of the Lord
' High Treasurer, or of the Commissioners for executing the
' Office of Lord High Treasurer, as therein mentioned, notwith-
' standing any Provisions, Restrictions, or Clauses contained in
' any Act or Acts of Parliament relating to Her Majesty's Land
' Revenue, from Time to Time to borrow and take up, at any
' Rate of Interest not exceeding Five Pounds *per Centum per*
' *Annum*, and on such Terms and Conditions as they should
' think proper, such Sum or Sums of Money as the said
' Commissioners, with such Consent as aforesaid, should judge
' necessary, for the Purpose of carrying into effect and com-
' pleting the several Improvements and new Streets authorized
' and directed to be made by them by the several Acts therein
' recited or referred to, on Mortgage of all or any Part or Parts
' of the Houses, Buildings, Lands, Tenements, and Heredita-
' ments of or belonging to Her Majesty, Her Heirs and
' Successors, within the County of *Middlesex* and City of *London*,

' or

‘ or either of them, (other than Royal Palaces and Parks,) and
 ‘ to secure the Repayment of the Sum or Sums so to be bor-
 ‘ rowed, or any Part or Parts thereof, with Interest for the same,
 ‘ with such Consent as aforesaid, by Grant, Demise, or Mort-
 ‘ gage of all or any Part or Parts of the same Houses, Buildings,
 ‘ Lands, Tenements, and Hereditaments, as therein mentioned :
 ‘ And whereas by an Act passed in the Seventh Year of Her
 ‘ present Majesty, intituled *An Act to enlarge the Powers of an* 7 & 8 Vict. c. 1.
 ‘ *Act of the Fourth and Fifth Years of Her present Majesty, em-*
 ‘ *powering the Commissioners of Her Majesty’s Woods to raise*
 ‘ *Money for certain Improvements in the Metropolis, on the Security*
 ‘ *of the Land Revenues of the Crown within the County of Mid-*
 ‘ *dlesex and City of London*, after reciting to the Effect herein-
 ‘ before recited, and also reciting that Doubts had been enter-
 ‘ tained whether the said recited Act extended to empower the
 ‘ Governor and Company of the Bank of *England*, and certain
 ‘ other public Companies and Corporations, to advance and
 ‘ lend Monies to the said Commissioners on the Security of the
 ‘ said Land Revenues of the Crown, it was by the Act now in
 ‘ recital enacted, that it should be lawful for the Governor and
 ‘ Company of the Bank of *England*, and for any Person whom-
 ‘ soever, and any Bodies Politic or Corporate, or Companies
 ‘ whatsoever, to advance and lend from Time to Time to the
 ‘ Commissioners for the Time being of Her Majesty’s Woods,
 ‘ Forests, Land Revenues, Works, and Buildings any Sum or
 ‘ Sums of Money for the Purposes of the said several Acts in
 ‘ the said first herein-before recited Act recited or referred to,
 ‘ on Mortgage of any of the Hereditaments of Her Majesty, Her
 ‘ Heirs or Successors, (other than Royal Palaces and Parks,)
 ‘ within the County of *Middlesex* and City of *London*, or either
 ‘ of them, in manner therein mentioned ; but it was by the Act
 ‘ now in recital provided, that the Sum to be advanced by the
 ‘ Governor and Company of the Bank of *England* under the
 ‘ Provisions thereof should not exceed in the whole the Sum of
 ‘ Two hundred and fifty thousand Pounds: And whereas it is
 ‘ expedient that the last-mentioned Restriction should be
 ‘ removed, to the Extent of allowing the Governor and Company
 ‘ of the Bank of *England* to advance any Sum or Sums of
 ‘ Money which the said Commissioners are authorized to borrow,
 ‘ in addition to the said Sum of Two hundred and fifty thousand
 ‘ Pounds, by the said last-recited Act authorized to be advanced,
 ‘ not exceeding the further Sum of Three hundred thousand
 ‘ Pounds:’ Be it therefore enacted, That, notwithstanding the
 aforesaid Proviso and Restriction in the said recited Act of the
 Seventh Year of Her present Majesty contained, it shall be
 lawful for the Governor and Company of the Bank of *England*,
 if they shall think fit, from Time to Time to advance and lend
 to the Commissioners for the Time being of Her Majesty’s
 Woods, Forests, Land Revenues, Works, and Buildings, under
 the Provisions of the said last-mentioned Act and this Act, any
 Sum or Sums of Money which the said Commissioners are
 authorized to borrow, over and above and in addition to the
 Sum

Power to Bank
 of England to
 advance addi-
 tional Money
 not exceeding
 300,000*l.*

Sum of Two hundred and fifty thousand Pounds by the said last-recited Act limited as the Sum to be advanced by the said Governor and Company of the Bank of *England*, not exceeding the further Sum of Three hundred thousand Pounds; and that all and every the Provisions of the said last-recited Act shall be and continue in force and apply as if the Restriction as to the total Amount of Monies to be advanced by the said Governor and Company of the Bank of *England* had not been therein contained.

Regulations as
to Payment of
Interest on
Loans charged
under various
Acts on "The
London Bridge
Approaches
Fund."

VI. ' And whereas the said Commissioners are by divers Acts
' of Parliament authorized to charge certain Funds, Duties,
' and Revenues constituting a Fund which is commonly called
' "The *London Bridge Approaches Fund*" with certain Sums of
' Money amounting altogether to the Sum of Four hundred and
' eighty-nine thousand Pounds, with Interest on such Sums
' respectively, for the Purpose of effecting certain Improvements
' in the Metropolis, and the said Commissioners are authorized
' to raise Monies for the aforesaid Improvements on the Credit
' of the Funds, Duties, and Revenues so charged, but by reason
' of prior existing Charges, which wholly absorbed and will for
' some Time continue to absorb the said Funds, Duties, and
' Revenues, the said Commissioners were, by the said Act of the
' Fourth and Fifth Years of Her Majesty's Reign, herein-before
' recited, authorized to borrow Monies as aforesaid, for the
' Purposes of the said Improvements, on the Security of the
' Land Revenues of the Crown, as in the said Act is mentioned;
' and by the said Act it was provided that all such Monies
' as should come to the Hands of the said Commissioners by
' means of Leases or Sales of Property purchased for effecting
' the said Improvements, and the Income thereof, and Monies
' to be borrowed on the Credit of Charges made by the said
' Commissioners on the said Duties, Funds, and Revenues called
' "The *London Bridge Approaches Fund*," and otherwise, as in
' the said Act is mentioned, should be applied in Repayment
' of such Sums of Money as might be borrowed on the Credit
' of the Land Revenues of the Crown, and the Interest thereof:
' And whereas the said Commissioners have from Time to Time,
' by and out of the Principal Monies borrowed on the Security
' of the Land Revenues of the Crown for the Purposes afore-
' said, and other the Monies which came to their Hands in the
' Exercise of the Powers granted to them for the Purpose of
' effecting the said Improvements, paid Interest, which has from
' Time to Time accrued on the Sums so borrowed by them,
' and when such Principal and other Monies have for the Time
' been exhausted they have paid such Interest out of the annual
' Income of the Land Revenues of the Crown: And whereas it
' was intended that the Monies which the said Commissioners
' were so as aforesaid authorized to charge on the said Fund
' called "The *London Bridge Approaches Fund*," and the Interest
' thereon, and other the Monies which should come to the Hands
' of the said Commissioners in respect of the said Improvement,
' should be applicable to the Payment, not only of all Principal
0 ' Monies

‘ Monies which might be borrowed on the Security of the Land
 ‘ Revenues of the Crown, but of all Interest thereon, and to the
 ‘ Intent that thereby the Land Revenues of the Crown, although
 ‘ liable to the Mortgagees for the Monies charged and secured
 ‘ thereon, should by the Means aforesaid be wholly indemnified
 ‘ from the Payment of any Part of the Monies applicable to the
 ‘ aforesaid Improvements:’ Be it therefore enacted, That all
 Payments heretofore made by the Commissioners of Her Ma-
 jesty’s Woods, Forests, Land Revenues, Works, and Buildings,
 out of any Principal Monies so borrowed by them as aforesaid,
 or out of Interest arising from any temporary Investment of any
 such Principal Monies, in respect or by way of Interest accrued
 on any such Principal Monies, shall be and the same are hereby
 declared valid, and are hereby confirmed; and that it shall be
 lawful for the said Commissioners for the Time being, from
 Time to Time and at all Times hereafter, to pay and apply any
 Principal Monies which they have borrowed or may hereafter
 borrow, or the Interest arising from any Investment of any such
 Principal Monies, or any other Monies which shall come to their
 Hands by reason of the Premises, in discharge of the Interest
 accruing due on any Monies so borrowed or to be borrowed
 as aforesaid, and thereout also to reimburse and repay to the
 Credit of the Income arising from the Land Revenues of the
 Crown all such Sums of Money as the said Commissioners have
 paid or may hereafter pay out of such Income for Interest
 upon Monies borrowed by them for the Purposes of the said
 Improvement.

VII. Provided nevertheless, and be it enacted, That nothing
 in this Act contained shall in anywise alter or affect any Security
 by way of Mortgage on the Land Revenues of the Crown
 already made, or which may hereafter be made thereof, in pur-
 suance of the Powers aforesaid, but that the same shall continue
 and be in all respects, as regards the Rights of the Mortgagees
 in any such Mortgage, in all respects as if the Provision lastly
 herein-before contained had not been made.

Rights of
 Mortgagees not
 to be affected.

VIII. ‘ And whereas by an Act passed in the Tenth Year of
 ‘ the Reign of His late Majesty King George the Fourth, in-
 ‘ titled *An Act to consolidate and amend the Laws relating to the*
 ‘ *Management and Improvement of His Majesty’s Woods, Parks,*
 ‘ *and Chases, of the Land Revenue of the Crown within the Survey*
 ‘ *of the Exchequer in England, and of the Land Revenue of*
 ‘ *the Crown in Ireland, and for extending certain Provisions*
 ‘ *relating to the same to the Isles of Man and Alderney,* it was
 ‘ amongst other things enacted, that the Commissioners for
 ‘ the Time being of His Majesty’s Woods, Forests, and Land
 ‘ Revenues should and they were thereby required, within
 ‘ Thirty Days after the Commencement of the Session of Par-
 ‘ liament which should be in the Year One thousand eight
 ‘ hundred and thirty, and also within Thirty Days after the
 ‘ Commencement of the first Session of Parliament in every
 ‘ following Year, (without any special or other Requisition to
 ‘ be made to them for that Purpose,) to certify and report in
 ‘ Writing

10 G. 4. c. 50.

2 & 3 W. 4. c. 1.

Annual Reports
of Commission-
ers of Woods to
be made up to
31st March
instead of 5th
January in
every Year.

Writing under their Hands and Seals to the King's most
 Excellent Majesty and both Houses of Parliament what
 Leases, Sales, Purchases, and Grants should have been made
 during the Year preceding the Fifth Day of *January* One
 thousand eight hundred and thirty, and during each subse-
 quent Year comprised in each Report, and also the other
 Matters and Things therein mentioned relating to the Pos-
 sessions and Land Revenues of the Crown which had been
 granted or done by them as therein is mentioned, and also a
 Statement of the Income and Expenditure of the Monies
 which should have arisen from the Possessions and Land
 Revenues of the Crown to which that Act related, and of
 any other Monies placed under the Management of the said
 Commissioners during the Period comprised in each Report:
 And whereas by an Act passed in the Second Year of the
 Reign of His late Majesty King *William* the Fourth, intituled
An Act for uniting the Office of Surveyor General of His Majesty's
Works and Public Buildings with the Office of the Commissioners
of His Majesty's Woods, Forests, and Land Revenues, and for
other Purposes, His Majesty was authorized to appoint, in the
 Place of the Commissioners of His Majesty's Woods, Forests,
 and Land Revenues, and of the Surveyor General of His
 Majesty's Works and Buildings, Three Persons for performing
 the Duties and exercising the Powers then performed and
 exerciseable by the Commissioners of His Majesty's Woods,
 Forests, and Land Revenues, and the Duties and Powers then
 performed and exerciseable by the Surveyor General of His
 Majesty's Works and Buildings, to be called "The Commis-
 sioners of His Majesty's Woods, Forests, Land Revenues,
 Works, and Buildings:" And whereas by reason that the
 Accounts of other Departments of the Public Service are
 made up to the Thirty-first Day of *March* in each Year it is
 expedient that the aforesaid Accounts and Statements of the
 Commissioners of Woods, Forests, Land Revenues, Works,
 and Buildings should also be made up to the Thirty-first Day
 of *March* in every Year, and that the Lord High Treasurer
 or Commissioners of Her Majesty's Treasury should be em-
 powered to make from Time to Time such Regulations as
 they may think convenient with respect to the Manner in
 which the Accounts and Payments of or to or on account of
 the Commissioners of Her Majesty's Woods, Forests, Land
 Revenues, Works, and Buildings shall be kept and made:
 Be it therefore enacted, That the annual Report by the said
 recited Act of the Tenth Year of His late Majesty King *George*
 the Fourth directed to be made within Thirty Days after the
 Commencement of every Session of Parliament shall hereafter
 be made, according to the Terms and Provisions of the said Act,
 within Three Calendar Months after the Thirty-first Day of
March in every Year, instead of within Thirty Days after the
 Commencement of every Session of Parliament, and that the
 next annual Report shall be made of all Matters and Things as
 from the Fifth Day of *January* last up to the Thirty-first Day
 of

of *March* next, and in all respects, except as regards the Time of making such Report, as by the said recited Act is directed and provided; and that in each of such annual Reports as aforesaid a Statement of all Debts or Debts incurred by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the Amount of Interest due on such Debt or Debts, shall be laid before Parliament.

IX. And be it enacted, That it shall be lawful for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, at any Time after the passing of this Act, and from Time to Time, by Writing under his or their Hand or Hands, to make such Rules and Regulations as he or they shall think expedient with respect to the Receipt and Payment of Monies by or on behalf of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, the Persons to be employed in conducting such Receipts and Payments, and the Manner, Form, and Place in which the Accounts of such Receipts and Payments shall be kept; and all such Rules and Regulations shall extend, not only to the Monies to be received and paid in respect of the Land Revenues of the Crown, but to all Monies to be received and paid by or to the said Commissioners of Her Majesty's Woods (and whether incorporated for any particular Object or not), or to any Officer duly authorized on their Behalf, under or by virtue of any Act of Parliament or otherwise; and where by any Act of Parliament now in force any Monies are directed to be paid to the said Commissioners in any Capacity, and whether as Part of the Land Revenues of the Crown or otherwise, or to a particular Account, the same may be paid into any Account, and either general or special, at the Bank of *England* or the Bank of *Ireland*, as the said Lord High Treasurer, or the said Commissioners of Her Majesty's Treasury, or any Three or more of them, shall, by any General or Special Order, direct, and the Receipt of the Cashier of the Bank of *England* or the Bank of *Ireland*, as the Case may be, shall be a sufficient Discharge to the Persons or Bodies respectively paying the same, and without such Persons or Bodies being bound to inquire as to any such Order or Direction, and in all respects as if such Monies had been paid in pursuance of the Directions contained in any Act of Parliament in that Behalf; and any Monies now or hereafter standing to any particular Account of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings may be transferred to such other general or separate Account or Accounts, or otherwise, as the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall from Time to Time direct.

Treasury
empowered to
make Rules and
Regulations for
keeping the
Accounts of the
Commissioners
of Woods.

X. And be it enacted, That it shall be lawful for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three of them, to make Rules and Orders from Time to Time as to the Form in which Cheques or Orders for the Payment of Monies placed to any Account of the Commis-

Power to Trea-
sury to regulate
the Mode of
drawing
Monies.

sioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall be drawn, any Act of Parliament, Law, or Custom whatsoever to the contrary notwithstanding, and also from Time to Time to authorize the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, by Power of Attorney, from Time to Time to nominate and appoint One or more Person or Persons, in the Names of them the said Commissioners of Her Majesty's Woods for the Time being, to draw Cheques or Orders for Monies standing to the Account of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings at the Banks of *England or Ireland*, or otherwise (so that nevertheless such Power of Attorney shall continue in force until absolutely revoked, and notwithstanding any Change in the Commissioners appointing such Attorney); and also it shall be lawful for the said Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, to authorize the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, from Time to Time to nominate a Person or Persons whose Duty it shall be to countersign such Cheques, and any Monies so placed to such Account may be drawn for by such Cheques, signed by such Person or Persons so appointed as aforesaid, and countersigned by such Person or Persons so appointed as aforesaid, and shall be paid and payable according to the Direction in such Cheques or Orders contained, any Act of Parliament or other Provision to the contrary notwithstanding; but nothing herein contained shall prevent the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings from drawing for any such Monies as aforesaid as they are now authorized to draw, except so far as the contrary may be directed by any Order of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury as aforesaid.

Extent of Act.

XI. And be it enacted, That this Act shall extend to *Scotland and Ireland*.

Act may be amended, &c.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. CIII.

An Act to authorize the Application of a Sum of Money out of the forfeited and unclaimed Army Prize Fund in purchasing the Site of the Royal Military Asylum, and in improving such Asylum.

[4th September 1848.]

2 & 3 W. 4. c. 53.

‘ WHEREAS by the Act of the Second Year of His late
 ‘ Majesty King *William* the Fourth, for consolidating and
 ‘ amending the Laws relating to the Payment of Army Prize
 ‘ Money, the Commissioners of the Royal Hospital at *Chelsea*
 ‘ were authorized from Time to Time to appropriate such Sums
 ‘ of Money, forming a Part of the Prize Money then already
 ‘ forfeited

‘ forfeited or unclaimed, or thereafter to become forfeited or
 ‘ unclaimed, as they might think expedient and proper, to the
 ‘ general Service and Expenses of the said Royal Hospital, or
 ‘ relating thereto: And whereas a Sum of One hundred thou-
 ‘ sand Pounds Three *per Centum* Consolidated Bank Annuities,
 ‘ arisen from forfeited and unclaimed Shares of Army Prize
 ‘ Money, is now standing in the Books of the Governor and
 ‘ Company of the Bank of *England*, to an Account intituled
 ‘ “The Stock Account of the Paymaster General and Secretary
 ‘ at War as Trustees for the Army Prize Fund:” And whereas
 ‘ the Site of the Royal Military Asylum at *Chelsea* for the Recep-
 ‘ tion of the Children of Soldiers is held for a Term of Years,
 ‘ and it is expedient that a Part of the said Annuities should be
 ‘ applied in purchasing such Site, and in improving the Build-
 ‘ ings of the said Asylum:’ Be it therefore enacted by the
 Queen’s most Excellent Majesty, by and with the Advice and
 Consent of the Lords Spiritual and Temporal, and Commons,
 in this present Parliament assembled, and by the Authority of
 the same, That the Paymaster General and Secretary at War,
 or in case of the Vacancy of the Office of either of them, then
 the other of them, shall, by Sale of a sufficient Part of the said
 Sum of One hundred thousand Pounds Three *per Centum* Con-
 solidated Bank Annuities, raise such Sum or Sums, not exceed-
 ing in the whole the Sum of Thirty thousand Pounds, as the
 Commissioners of Her Majesty’s Treasury, or any Three or more
 of them, shall by Warrant under their Hands direct, and pay or
 cause to be paid such Sum or Sums to the Governor and Com-
 pany of the Bank of *England*, to the Credit of Her Majesty’s
 Commissioners of Woods and Forests; and such Sum or Sums
 shall be placed to such Account as such last-mentioned Com-
 missioners shall direct, and shall be applied by such Commis-
 sioners in such Manner as they, with the Approbation of the
 said Commissioners of Her Majesty’s Treasury, shall think fit,
 in the Purchase of the Site of the said Royal Military Asylum,
 and in enlarging, altering, repairing, and improving the Build-
 ings thereof.

Power to Treas-
 ury to direct
 that a Sum be
 raised by Sale
 of Part of un-
 claimed Army
 Prize Money,
 and paid to
 Commissioners
 of Woods, &c.
 who shall apply
 the same in pur-
 chasing the Site
 of the Royal
 Military Asy-
 lum, &c.

II. And be it enacted, That this Act may be amended or
 repealed in the present Session of Parliament.

Act may be
 amended, &c.

CAP. CIV.

An Act for amending the Act for regulating the Prison
 at *Millbank*. [4th September 1848.]

‘ WHEREAS by an Act passed in the Seventh Year of the
 ‘ Reign of Her Majesty, intituled *An Act for regulating*
 ‘ the Prison at Millbank, it is enacted, that such of the Inspec-
 ‘ tors of Prisons as shall be appointed for that Purpose by
 ‘ One of Her Majesty’s Principal Secretaries of State shall have
 ‘ the same Powers and Duties with respect to the said Prison
 ‘ which the Visiting Justices of any other Prison have, with
 ‘ respect to their Prison: And whereas it is expedient that the

6 & 7 Vict. c. 26.

Power for Secretary of State to appoint Visitors of Millbank Prison.

Duties of Visitors.

Visitors to be a Body Corporate, and have a Common Seal, &c.

After Appointment of Visitors Powers of Inspectors to cease.

‘ Persons to whom the said Powers and Duties are intrusted
‘ should not in all Cases be Inspectors of Prisons:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for One of Her Majesty’s Principal Secretaries of State to appoint any fit and proper Persons to be Visitors of the said Prison, and from Time to Time to remove any of such Visitors and to appoint another or others in his or their Stead, and that the Persons so appointed Visitors of the said Prison shall during their Appointment have and perform the same Powers and Duties with respect to the said Prison which the Visiting Justices of any other Prison have with respect to their Prison, and which under the said Act of the Seventh Year of Her Majesty’s Reign are vested in or to be performed by the Inspectors of the *Millbank Prison*, and all other the Powers, Duties, and Functions vested in and to be performed by “The Inspectors of the *Millbank Prison*” under the said Act; and all the Powers, Duties, and Functions which under the said Act may be exercised and performed by One or by Two of such Inspectors respectively may be exercised and performed by One or by Two of such Visitors, as the Case may be; and all the Provisions of the said Act in relation to such Inspectors shall from and after the Appointment of such Visitors as aforesaid be applicable to such Visitors.

II. And be it enacted, That the said Visitors and their Successors shall be a Body Corporate, by the Style of “The Visitors of the *Millbank Prison*,” and by that Name shall have perpetual Succession and a Common Seal, and may sue and be sued in all Courts and before all Justices and others.

III. And be it enacted, That from and immediately after the first Appointment of such Visitors as aforesaid the Powers, Duties, and Functions of the Inspectors of the *Millbank Prison* under the said Act shall cease and determine.

CAP. CV.

An Act to prohibit the Importation of Sheep, Cattle, or other Animals, for the Purpose of preventing the Introduction of contagious or infectious Disorders.

[4th September 1848.]

‘ **W**HEREAS it is expedient, in order to prevent the Intro-
‘ duction of contagious or infectious Disorders among
‘ Sheep, Cattle, Horses, and other Animals, that Power should
‘ be given to Her Majesty in Council to take such Measures
‘ as may appear to be necessary for preventing or regulating
‘ the Importation of Animals from Parts beyond the Seas where
‘ such infectious or contagious Disorders prevail:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Tem-
poral,

poral, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty, from Time to Time, by Order in Council, to prohibit the Importation or Introduction into the United Kingdom, or into any particular Port or Ports thereof, of Cattle, Sheep, Horses, or other Animals, either generally or from any Place or Places that may be named in such Order, for such Period or Periods as She may deem to be necessary, for the Purpose of preventing the Introduction of any infectious or contagious Disorder among the Sheep, Cattle, Horses, or other Animals in this Country.

Power to prohibit, by Order in Council, the Importation of Sheep, Cattle, &c., in order to prevent Contagion.

II. And be it enacted, That it shall be lawful for Her Majesty from Time to Time, by Order in Council, to make such Regulations for subjecting Sheep, Cattle, Horses, or other Animals to Quarantine, or for causing the same to be destroyed upon their Arrival in this Country, or for destroying any Hay, Straw, Fodder, or other Article whereby it appears to Her that Infection or Contagion may be conveyed, and generally to make such Regulations with respect to the Importation of Sheep, Cattle, Horses, or other Animals, as She may consider to be necessary in order to prevent the Introduction of any contagious or infectious Disorder.

Power to make, by Order in Council, Regulations for subjecting Sheep, &c. to Quarantine.

III. And be it enacted, That if any Cattle, Sheep, Horses, or other Animals be imported or introduced, or attempted to be imported or introduced, contrary to the Provisions of any Order or Orders in Council made in pursuance of this Act, the same shall be forfeited in like Manner as Goods prohibited to be imported by any Act relating to the Customs; and all Persons importing or introducing or attempting to import or introduce the same shall be liable to such Penalties as are imposed on Persons importing or attempting to import Goods prohibited by Acts relating to the Customs.

Cattle, &c. imported contrary to Provisions of Orders in Council to be forfeited.

Penalty on importing, &c.

IV. And be it enacted, That it shall be lawful for Her Majesty, by any further Order or Orders in Council, from Time to Time to revoke the whole or any Part of any Order or Orders issued by Her Majesty in Council under the Authority of this Act; and that from and after a Day to be named in such Order or Orders of Revocation such Order or Orders issued under the Authority of this Act, or such Part thereof as shall be specified in such Order or Orders of Revocation, shall cease and determine.

Orders in Council may be revoked in whole or in part from Time to Time.

V. And be it enacted, That every Order or Orders in Council issued under the Authority of this Act shall, within Fourteen Days after the issuing thereof, be twice published in the *London Gazette*; and that a Copy of every Order or Orders in Council issued under the Authority of this Act shall be laid before both Houses of Parliament within Six Weeks after issuing the same, if Parliament be then sitting, and if not, then within Six Weeks after the Commencement of the then next Session of Parliament.

Orders in Council to be published in the *London Gazette*.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

CAP. CVI.

An Act to amend an Act of the Tenth Year of Her present Majesty, for rendering valid certain Proceedings for the Relief of Distress in *Ireland* by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings.

[4th September 1848.]

10 & 11 Vict.
c. 10. s. 3.

‘ WHEREAS by an Act passed in the Tenth Year of Her
 ‘ Majesty, intituled *An Act to render valid certain Proceed-*
 ‘ *ings for the Relief of Distress in Ireland by Employment of the*
 ‘ *Labouring Poor, and to indemnify those who have acted in such*
 ‘ *Proceedings*, it is amongst other things enacted, that all Under-
 ‘ takings therein recited which had been or should be accepted
 ‘ and acted upon, and all Presentments for Works mentioned
 ‘ and referred to in such Undertakings respectively made at
 ‘ any Sessions called and held before the passing of the said
 ‘ Act, under the Provisions of the Act therein recited, in
 ‘ whatever Form or at whatever Time or Times such Under-
 ‘ takings respectively might have been or should be so given
 ‘ or accepted and acted upon, and in whatever Form or at
 ‘ whatever Time or Times such Presentments respectively might
 ‘ have been made, should be ratified and confirmed to all
 ‘ Intents and Purposes, and such Undertakings respectively
 ‘ should be valid and binding upon the Person or Persons
 ‘ respectively giving the same, and upon the Lands therein
 ‘ respectively specified; and the Money mentioned in any such
 ‘ Undertaking, or so much thereof as by an Award to be made
 ‘ by the said Commissioners of Public Works, or any Two of
 ‘ them, and which said Award the said Commissioners or any
 ‘ Two of them were authorized and required to make, should
 ‘ appear to have been expended upon any of the Lands spe-
 ‘ cified in any such Undertaking, should be a Charge on the
 ‘ Lands specified in such Undertaking and Award; and the
 ‘ Money mentioned in any such Award, with Interest thereon
 ‘ at the Rate of Three Pounds Ten Shillings *per Centum per*
 ‘ *Annum*, should be charged upon, raised, and levied from and
 ‘ out of the Lands so specified in such Award, and should be
 ‘ payable at the Time or Times appointed in such Award by
 ‘ the Person or Persons who, under the Provisions of the Act
 ‘ passed in the Sixth Year of the Reign of Her Majesty therein
 ‘ mentioned, and of the several Acts for the Amendment thereof,
 ‘ would be liable for the Repayment of the same, provided the
 ‘ same had been expended and charged on the said Lands for
 ‘ Works of Drainage executed under the Provisions of the said
 ‘ last-mentioned Acts, and should be raised, levied, and reco-
 ‘ vered by such Persons as the Commissioners of the Treasury
 ‘ should from Time to Time appoint, in the same Manner, and
 ‘ by the like Remedies, and with the like Powers and Autho-
 ‘ rities, and subject to the like Provisions, as by the said last-
 ‘ mentioned

‘ mentioned Acts is provided for the Recovery of Money for
 ‘ Works of Drainage, in so far as the same might be applicable
 ‘ for the Purposes of the said Act: And whereas no Provision
 ‘ is made by the said recited Act for giving Notice of such
 ‘ Awards to the Parties interested therein, or for the Registry
 ‘ of the same, and it is advisable that the said Act should be
 ‘ amended in that and other respects:’ Be it therefore enacted
 by the Queen’s most Excellent Majesty, by and with the Advice
 and Consent of the Lords Spiritual and Temporal, and Com-
 mons, in this present Parliament assembled, and by the Autho-
 rity of the same, That in all Cases in which the said Commis-
 sioners of Public Works in *Ireland* shall make or have already
 made any Award under the Provisions of the said Act of the
 Tenth Year of Her Majesty’s Reign, the said Commissioners
 of Public Works shall cause a Copy of such Award to be trans-
 mitted by Post, or in such other Manner as they shall think fit,
 to the Proprietor or Proprietors, as in the said Act mentioned,
 of the Lands which shall be the Subject of such Award; and
 the said Commissioners shall execute a Copy or Duplicate of
 every such Award as and for a Memorial thereof for the Pur-
 poses of Registry, and forthwith cause such Award to be regis-
 tered in the Office for the Registry of Deeds in the City of
Dublin; and the Registrar of the said Registry Office, his
 Deputies and Assistants, and other Officers, shall and he and
 they are hereby required to register every such Award in the
 same Manner as any Deed or Instrument is registered in the
 said Office, and to file, retain, and enter such Duplicate or
 Memorial in the Abstract Books and Indexes of or relating to
 Deeds and Memorials registered and kept in the said Office;
 and no Fees whatsoever shall be payable for or in respect to
 such Registration, anything in any former Act to the contrary
 notwithstanding.

Copy of any
Award made by
Commissioners
of Public Works
to be sent to
Persons affected
by same.

Award to be
registered.

II. And be it enacted, That the Lands specified in that Be-
 half in every such Award shall, from and after the Registry
 thereof as aforesaid, become and the same are hereby charged
 with the Amount mentioned in such Award, with Interest
 thereon at the Rate of Three Pounds Ten Shillings *per Centum*
per Annum, such Interest to be calculated from the Tenth Day
 of *October* One thousand eight hundred and forty-seven, and to
 be payable by half-yearly Instalments on the Days and Times
 in such Award mentioned; and such Amount and Interest shall
 have Priority over all Charges affecting the same Lands; and
 every such Award in respect of the Lands therein specified shall
 be binding upon all Persons having any Estate or Interest in
 such Lands, or Lien or Incumbrance thereon; and every such
 Award shall be conclusive Evidence that all Requisites by the
 said last-mentioned Act and this Act with respect thereto have
 been fully complied with; and it shall not be lawful for any
 Person to question the Validity of such Award of the said
 Commissioners of Public Works in respect of anything what-
 soever done or omitted to be done, or for any other Reason
 whatsoever.

Lands men-
tioned in the
Award to
become charge-
able, and Award
to be conclusive.

Award free of Stamp Duty.

Principal, &c. may be paid off within Period fixed for Repayment.

Upon Payment of Amount due Lands to be released.

Act may be amended, &c.

III. And be it enacted, That no such Award or Memorial thereof shall be liable to any Stamp Duty whatever.

IV. And be it enacted, That it shall and may be lawful for the Proprietor for the Time being of the Lands specified in any such Award, at any Time within the Period fixed by such Award for Repayment, to pay off in One Sum the Amount of Principal and Interest charged upon the said Lands, and which may then be due and payable thereout.

V. And be it enacted, That upon Payment of the Sum mentioned in such Award, or such Portion thereof as may from Time to Time be due on foot thereof, together with the Interest due thereon, and also upon Payment of all Costs, Charges, and Expenses (if any) incurred in proceeding to recover the same or in relation thereto, the Paymaster of Civil Services in *Ireland* for the Time being shall and he is hereby required, at the Request of the Party paying the same, to execute a Release of the Lands so charged as aforesaid, at the Cost and Expense of the Party to whom such Release shall be granted.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. CVII.

An Act to prevent, until the First Day of *September* One thousand eight hundred and fifty, and to the End of the then Session of Parliament, the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals. [4th *September* 1848.]

Infected Sheep exposed for Sale may be seized and destroyed, together with Pens, Hurdles, &c.

‘ **W**HEREAS a contagious or infectious Disorder, known or described as the Sheep Pox or Variola Ovina, now prevails among the Sheep in some Parts of the United Kingdom, and it is necessary to take Measures to prevent such Disorder from spreading:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case any Sheep or Lambs infected with or labouring under the said Disorder, or any Disorder of the like Nature, be exposed or offered for Sale, or be brought or attempted to be brought for the Purpose of being so exposed or offered for Sale, in any Market, Fair, or other open or public Place where other Animals are commonly exposed for Sale, then and in any such Case it shall be lawful for any Clerk or Inspector or other Officer of such Fair or Market, or for any Constable or Policeman, or for any other Person authorized by the Mayor, or by any Two Justices of the Peace having Jurisdiction in the Place, or for any Person authorized or appointed by Her Majesty in Council, to seize the same, and to report such Seizure to the Mayor or any Justice of the Peace having Jurisdiction in the Place; and it shall be lawful for such Mayor or Justice either

to restore the same, or to cause the same, together with any Pens, Hurdles, Troughs, Litter, Hay, Straw, or other Articles which he may judge likely to have been infected thereby, to be forthwith destroyed or otherwise disposed of in such Manner as he shall deem proper, or as may be directed in manner hereinafter provided; and any Person bringing or attempting to bring any Sheep, Lambs, Oxen, Bulls, Cows, Calves, or other horned Cattle, into any such Market, Fair, or open or public Place as aforesaid, knowing such Sheep, Lambs, or Cattle to be infected with or labouring under either of such Disorders as aforesaid, shall, upon Conviction thereof, forfeit and pay for each and every such Offence a Sum not exceeding Twenty Pounds.

Penalty on Parties exposing Cattle for Sale, knowing them to be diseased.

II. And be it enacted, That if any Person turn out, keep, or depasture any Sheep or Lambs infected with or labouring under the said Disorder in or upon any Forest, Chase, Wood, Moor, Marsh, Heath, Common, waste Land, open Field, Road Side, or other undivided or uninclosed Land, such Person shall, on Conviction thereof, forfeit and pay any Sum not exceeding Twenty Pounds.

Penalty on Persons depasturing diseased Sheep, &c.

III. 'And whereas it is expedient for the Preservation of the public Health to make more effectual Provision for preventing the Exposure for Sale of any Meat unfit for Human Food:' Be it enacted, That if any Meat unfit for Human Food be exposed or offered for Sale in any Market, Fair, or other open or public Place, it shall be lawful for such Clerks, Inspectors, Constables, Policemen, or other Persons authorized as aforesaid to seize the same, and to report such Seizure to such Mayor or Justice as aforesaid; and such Mayor or Justice may either order the same to be restored, or to be destroyed or otherwise disposed of as aforesaid; and any Person publicly exposing or offering such Meat for Sale shall, upon Conviction, forfeit and pay for each and every such Offence a Sum not exceeding Twenty Pounds.

Penalty on Persons exposing for Sale Meat unfit for Human Food.

IV. And for the more effectually preventing the spreading of contagious or infectious Disease, be it enacted, That it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any Two or more of them, from Time to Time to make such Orders and Regulations as to them may seem necessary for the Purpose of prohibiting or regulating the Removal, to or from such Parts or Places as they may designate in such Order or Orders, of Sheep, Cattle, Horses, Swine, or other Animals, or of Meat, Skins, Hides, Horns, Hoofs, or other Parts of any Animals, or of Hay, Straw, Fodder, or other Articles likely to propagate Infection; and also for the Purpose of purifying any Yard, Stable, Outhouse, or other Place, or any Waggon, Carts, Carriages, or other Vehicles; and also for the Purpose of directing how any Animals dying in a diseased State, or any Animals, Parts of Animals, or other Things seized under the Provisions of this Act, are to be disposed of; and also for the Purpose of causing Notices to be given of the Appearance of any Disorder among Sheep, Cattle, or other Animals, and to make any other Orders or Regulations for the Purpose of giving effect

Privy Council may make Regulations as to Removal of Sheep, &c.;

as to purifying Yards, Stables, &c., and Disposal of Animals dying in an infected State;

and as to giving Notice of Appearance of Disease, &c.

Penalty for
offending
against the
same.

Orders, &c. to
be published in
Gazette, and in
Country News-
papers;

and to be laid
before Parlia-
ment.

Penalty for
obstructing
Persons in the
Execution of
this Act.

Penalties to
be summarily
recovered before
Two Justices.

effect to the Provisions of this Act, and again to revoke, alter, or vary any such Orders or Regulations; and all Provisions for any of the Purposes aforesaid in any such Order or Orders contained shall have the like Force and Effect as if the same had been inserted in this Act; and all Persons offending against the same shall for each and every Offence forfeit and pay any Sum not exceeding Twenty Pounds, or such smaller Sum as the said Lords or others of Her Majesty's Privy Council may in any Case by such Order direct.

V. And be it enacted, That all Orders and Regulations made under the Authority of this Act shall, within Fourteen Days after the issuing thereof, be twice published in the *London Gazette*; and in case such Orders or Regulations apply to any particular Places or Districts, then the same shall also be twice published, within Fourteen Days as aforesaid, in some Newspaper or Newspapers circulating in the County or Counties within which each of such Places or Districts, or any Part or Parts thereof respectively, is or are situated.

VI. And be it enacted, That a Copy of every such Order or Orders shall be laid before both Houses of Parliament within Six Weeks after issuing the same, if Parliament be then sitting, and if Parliament be not then sitting, then within Six Weeks after the Commencement of the then next Session of Parliament.

VII. And be it enacted, That in case any Person wilfully obstruct or impede any Person acting under the Authority of this Act, or of any Order or Regulation made in pursuance of this Act, every Person so offending, and all others aiding and assisting therein, shall and may be seized and detained by such Person so acting under the Authority of this Act as aforesaid, or any Person or Persons he may call to his Assistance, until such Offender or Offenders can be conveniently taken before some Justice of the Peace having Jurisdiction in the County or Place wherein such Offence shall be committed, and when convicted before such Justice as aforesaid (who is hereby authorized and required, upon Complaint to him upon Oath, to take cognizance thereof, and to act summarily in the Premises,) shall, in the Discretion of such Justice, forfeit any Sum not exceeding Five Pounds, and in default of Payment thereof shall and may be imprisoned for any Term not exceeding Two Calendar Months, unless the Amount of the Penalty shall have been sooner discharged.

VIII. And be it enacted, That every Penalty or Forfeiture imposed by this Act may be recovered by summary Proceeding before Two Justices; and upon the Exhibition of any Information in Writing before any Justice such Justice shall issue a Summons requiring the Party complained against to appear before Two Justices having Jurisdiction, at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate, at his last or usual Place of Abode; and upon the Appearance of the Party complained against, or in his Absence, after Proof of the Service of such Summons, it shall be

be lawful for any Two Justices having Jurisdiction to proceed to the hearing of the Complaint; and upon Proof of the Offence, either by the Confession of the Party complained against or upon the Oath of One credible Witness or more, it shall be lawful for such Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay such Penalty as may seem fit, and not greater than the Penalty or Forfeiture specified in this Act, as well as such Costs attending the Conviction as such Justices shall think fit.

IX. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs shall be levied by Distress, and such Justices, or either of them, or any other Justice having Jurisdiction as aforesaid, shall issue their or his Warrant of Distress accordingly.

Penalties to be levied by Distress.

X. And be it enacted, That it shall be lawful for any such Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before him on the Day appointed for such Return, such Day being not more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within the Jurisdiction of such Justice whereon to levy such Penalty or Forfeiture and Costs, he may, if he think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

In default of Distress, Justices may commit the Offender to Prison.

XI. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expenses of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress, how to be levied.

XII. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards

Distress not unlawful for Want of Form.

afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Application of Penalties.

Convictions to be returned to Quarter Sessions under 3 G. 4. c. 46.

Penalties to be sued for within Two Months after Commission of Offence.

Penalty on Witnesses making default.

Proceedings not to be quashed for Want of Form, nor removed by Certiorari.

Parties aggrieved may appeal to Quarter Sessions, on giving Security.

XIII. And be it enacted, That all Penalties and Forfeitures recovered under this Act shall be applied as follows; one Half thereof shall be paid to the Person who shall sue or proceed for the same, and the other Half to Her Majesty's Use, and shall be paid to the Sheriffs of the County, City, or Town where the same shall have been imposed, and shall have been duly accounted for by him; and that all Convictions before Justices, and all Fines, Forfeitures, or Penalties imposed in consequence of such Convictions, shall be returned to the Court of Quarter Sessions, under the Provisions of an Act passed in the Third Year of His late Majesty King George the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated.*

XIV. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Two Months next after the Commission of such Offence.

XV. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person so summoned shall without reasonable Excuse refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expenses, or if any Person appearing shall refuse to be examined on Oath, or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

XVI. And be it enacted, That no Warrant of Commitment consequent upon any summary Conviction under this Act shall be held void by reason of any Defect in such Warrant, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same; nor shall any Conviction, Order, or other Proceeding in pursuance of this Act be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

XVII. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice with respect to any Penalty or Forfeiture under the Provisions of this Act, he may appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen, but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, nor unless Ten Days

Notice

Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

XVIII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Court may make such Order as they think reasonable.

XIX. And be it enacted, That in case the Mayor or Justice to whom the Seizure of any Sheep, Lambs, or Cattle supposed to be infected as aforesaid, or of any Meat supposed to be unfit for Human Food, may have been reported, shall upon Inquiry order the same to be restored, and in case it appear to such Mayor or Justice that there was a probable Cause of Seizure, then and in such Case such Mayor or Justice shall grant a Certificate to the Party making the Seizure that there was such probable Cause, and in such Case the Person or Persons who made such Seizure, being a Person or Persons acting under the Authority of this Act, or of any Order made in pursuance hereof, shall not be liable to any Action, Indictment, or other Suit or Prosecution on account of such Seizure; and in case any Action, Indictment, or other Suit or Prosecution shall be commenced and brought to Trial against any Person or Persons, being a Person or Persons acting under such Authority as aforesaid, on account of the Seizure of any Animals, Parts of Animals, Hay, Straw, Fodder, or other Articles seized as forfeited under the Provisions of this Act, or of any Order or Orders made under the Authority of the same, wherein a Verdict shall be given against the Defendant or Defendants, if the Court or Judge before whom such Information or Suit shall have been tried shall have certified on the said Record that there was a probable Cause for such Seizure, then the Plaintiff, besides the Things seized or the Value thereof, shall not be entitled to above Two-pence Damages, nor to any Costs of Suit, nor shall the Defendant or Defendants in such Prosecution be fined above One Shilling.

If Suit brought on account of Seizure, and the Judge shall certify that there was probable Cause, Plaintiff to have 2d. Damages, and Defendant fined not more than 1s.

XX. And be it enacted, That this Act shall continue in force until the First Day of *September* in the Year of our Lord One thousand eight hundred and fifty, and if Parliament be then sitting then further until the End of the then Session.

Act to continue in force for Two Years.

XXI. And be it enacted, That nothing in this Act contained shall prejudice or derogate from the Estates, Rights, Interests, Privileges,

Act not to affect the Rights, &c. of the City of London.

Privileges, Franchises, Jurisdiction, or Authority of the Mayor and Commonalty and Citizens of the City of *London* or their Successors, or the Lord Mayor of the said City for the Time being, nor prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing this Act the said Mayor and Commonalty and Citizens, or the said Lord Mayor for the Time being, possess, by Custom, Charter, or otherwise, for the Regulation, Management, and Control of Markets, or the Sale of infected Meat, Hides, Skins, Horns, Hoofs, or other Part of any infected Animal, or infected Hay, Straw, Fodder, or other Article, or the Lord Mayor and Court of Aldermen, or the Lord Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, under or by virtue of any Act of Parliament, did or might lawfully claim, use, or exercise.

Act may be amended, &c.

XXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. CVIII.

An Act for enabling Her Majesty to establish and maintain Diplomatic Relations with the Sovereign of the *Roman States*. [4th September 1848.]

Her Majesty empowered to establish Diplomatic Relations with Sovereign of Roman States.

‘ WHEREAS Doubts exist whether Her Majesty can lawfully establish and maintain Diplomatic Relations and hold Diplomatic Intercourse with the Sovereign of the *Roman States*; and it is expedient that such Doubts should be removed:’ Be it therefore declared and enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, notwithstanding anything contained in any Act or Acts now in force, it shall be lawful for Her Majesty, Her Heirs and Successors, to establish and maintain Diplomatic Relations and to hold Diplomatic Intercourse with the Sovereign of the *Roman States*.

No Person in Holy Orders to be received as Ambassador, &c. from Court of Rome.

II. Provided always, and be it enacted, That it shall not be lawful for Her Majesty, Her Heirs or Successors, to receive at the Court of *London*, as Ambassador, Envoy Extraordinary, Minister Plenipotentiary, or other Diplomatic Agent, accredited by the Sovereign of the *Roman States*, any Person who shall be in Holy Orders in the Church of *Rome*, or a Jesuit or Member of any other Religious Order, Community, or Society of the Church of *Rome*, bound by Monastic or Religious Vows.

Nothing to affect any Laws now in force for upholding the Supremacy of the Crown.

III. Provided always, and be it enacted, That nothing herein contained shall repeal, weaken, or affect, or be construed to repeal, weaken, or affect, any Laws or Statutes, or any Part of any Laws or Statutes, now in force for preserving and upholding the Supremacy of our Lady the Queen, Her Heirs and Successors, in all Matters Civil and Ecclesiastical within this Realm and other Her Majesty’s Dominions, nor those Laws

or

or Parts of Laws now in force which have for their Object to control, regulate, and restrain the Acts and Conduct of Her Majesty's Subjects, and to prohibit their Communications with the Sovereigns of Foreign States on the said Matters, all which Laws and Statutes ought for ever to be maintained for the Dignity of the Crown and the Good of the Subject.

CAP. CIX.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales*.

[4th September 1848.]

‘ WHEREAS the Inclosure Commissioners for *England* and
 ‘ *Wales* have, in pursuance of an Act passed in the Ninth
 ‘ Year of the Reign of Her present Majesty, intituled *An Act* 8 & 9 Vict. c. 118.
 ‘ to facilitate the Inclosure and Improvement of Commons and
 ‘ Lands held in Common, the Exchange of Lands, and the Divi-
 ‘ sion of intermixed Lands; to provide Remedies for defective or
 ‘ incomplete Executions, and for the Nonexecution of the Powers of
 ‘ general and local Inclosure Acts; and to provide for the Revival
 ‘ of such Powers in certain Cases, since the Date of their Third
 ‘ Annual General Report, issued their Provisional Orders for
 ‘ and concerning the proposed Inclosures mentioned in the
 ‘ Schedule to this Act, and the requisite Consents thereto have
 ‘ been given: And whereas the said Commissioners have, by a
 ‘ Special Report, certified their Opinion that such proposed
 ‘ Inclosures would be expedient; but the same cannot be pro-
 ‘ ceeded with without the previous Authority of Parliament:’
 Be it enacted by the Queen's most Excellent Majesty, by and
 with the Advice and Consent of the Lords Spiritual and Tem-
 poral, and Commons, in this present Parliament assembled, and
 by the Authority of the same, That the said several proposed
 Inclosures mentioned in the Schedule to this Act be proceeded
 with.

Inclosures men-
 tioned in Sche-
 dule may be
 proceeded with.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression “The Second Annual Inclosure Act, 1848.” Short Title.

III. ‘ And whereas since the Presentation by the Inclosure
 ‘ Commissioners of the said Special Report the necessary Con-
 ‘ sents to the Provisional Order have been given in the Matter
 ‘ of the *Warley* Inclosure in the County of *York*: And whereas
 ‘ the several Parties consenting thereto are desirous that certain
 ‘ Agreements already entered into between the Lord of the
 ‘ Manor of *Wakefield*, of which the Township of *Warley* is Parcel,
 ‘ and Commoners thereof, who have consented to such Pro-
 ‘ visional Order, should be carried out with respect to certain
 ‘ Matters which unless provided for it would not be advisable
 ‘ that such Inclosure should proceed:’ Be it therefore enacted,
 That

Commissioners
 may, if they
 think fit, order
 the *Warley*
 Inclosure to be
 proceeded with,
 as if it had been
 mentioned in
 Schedule.

That it shall be lawful for the said Commissioners, if they shall think fit, and they are hereby authorized, by Order under their Seal, to direct that the said Inclosure be proceeded with upon the Terms and Conditions of such Provisional Order and of the said Agreements, or such of them as the said Commissioners shall think just and reasonable; and thereupon such Inclosure shall be proceeded with, and the Award to be made in pursuance of such Order shall be binding and conclusive, in the same Manner as if the said *Warley* Inclosure had been mentioned in the Schedule to this Act, and as if the Terms and Conditions of the said Agreements, or such of them as the Commissioners shall think just and reasonable as aforesaid, had been included in and incorporated with the Provisional Order in the Matter of such Inclosure, and had been authorized by the said recited Act.

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Ash Moor - - -	Devon - - -	1848 : 2 February.
Cottisford - - -	Oxford - - -	2 February.
Kildwick - - -	York - - -	5 April.
Winterbourn Dantsey -	Wilts - - -	1847 : 2 December.
Littleton - - -	Middlesex - - -	1848 : 15 June.
Newton Valence - - -	Southampton - - -	24 May.
Discoyed Hill - - -	Radnor - - -	24 May.
Greatham - - -	Southampton - -	1847 : 10 December.
Newbiggin Moor - - -	Westmorland - - -	1848 : 18 May.
Harras Moor - - -	Cumberland - - -	15 June.
Drinkstone - - -	Suffolk - - -	15 July.
South Common - - -	Somerset - - -	15 July.
Standlake, Brighthampton, and Hardwick.	Oxford - - -	19 July.
Hebden Moor - - -	York - - -	18 May.
Hodnet Heath - - -	Salop - - -	5 July.
Thatcham - - -	Berks - - -	31 July.
Germans Week Common -	Devon - - -	19 July.

CAP. CX.

An Act to alter the Provisions relating to the Charges for the Relief of the Poor in Unions.

[4th September 1848.]

‘ **WHEREAS** by an Act passed in the Fifth Year of the
 ‘ Reign of King *William* the Fourth, intituled *An Act for* 4 & 5 W. 4. c. 76.
 ‘ *the Amendment and better Administration of the Laws relating*
 ‘ *to the Poor in England and Wales*, Provision is made for the
 ‘ Formation of Unions for the Relief of the Poor and for the
 ‘ Charge for the Relief of the Poor belonging to the several
 ‘ Parishes comprised therein; and it is expedient to alter the
 ‘ Mode in which the Relief of certain poor Persons is now
 ‘ chargeable:’ Be it therefore enacted by the Queen’s most
 Excellent Majesty, by and with the Advice and Consent of the
 Lords Spiritual and Temporal, and Commons, in this present
 Parliament assembled, and by the Authority of the same, That
 after the Thirtieth Day of *September* next until the Thirtieth
 Day of *September* in the Year One thousand eight hundred and
 forty-nine, the Cost of the Relief to be given to any poor
 Person chargeable or becoming chargeable in any Union formed
 or to be formed under the Provisions of the said Act, being a
 destitute Wayfarer or Wanderer or Foundling, as well as the
 Cost of the Burial of the Body of any such Person dying within
 such Union, shall be chargeable to the Common Fund of such
 Union.

Costs for Relief
of wandering
Poor, &c. to be
charged to the
Common Fund
of Unions.

II. And be it enacted, That where any poor Person having
 a fixed Place of Abode in a Parish in any such Union shall
 hereafter, by reason of Accident, bodily Casualty, or sudden
 Illness occurring to him while in some other Parish in which
 he has no legal Settlement, require Relief, the Cost of all the
 Relief given by lawful Authority in that Behalf, as well medical
 as otherwise, shall, if the poor Person be at the Time in receipt
 of Relief, be paid or reimbursed in like Manner and by the
 same Union or Parish as any other Relief shall be then payable,
 but if he be not then in receipt of Relief, it shall be paid or
 reimbursed, as the Case may require, by the Parish in which
 such poor Person shall then have his Place of Abode, unless
 by reason of any Provision of the Law he would, if otherwise
 chargeable, have been chargeable to the Common Fund of such
 Union, in which Case the Payment or Reimbursement shall be
 made by the Guardians of the Union comprising such Parish,
 and shall be charged to the Common Fund of the Union; and
 it shall be lawful for the Guardians of any Union, if they think
 proper, to pay for any medical or other Assistance which shall
 be rendered to any poor Person on the happening of any Acci-
 dent, bodily Casualty, or sudden Illness, although no Order
 shall have been given for the same by them or any of their
 Officers, or by the Overseers, and to charge the same to some
 one Parish in the Union, or to the Common Fund of the Union,

Poor Persons
having a fixed
Place of Abode
meeting with
Accidents, &c.
in some other
Parish where
they have no
legal Settle-
ment to be re-
lieved by the
Parishes of
their Abode
or previous
Chargeability.

according as such Parish or Union would have been liable for the ordinary Relief of such poor Person; provided that nothing herein contained shall exempt the Guardians of the Union of Parish, or their Officers, or the Overseers of the Parish in which such poor Person shall require Relief by reason of such Accident, bodily Casualty, or sudden Illness, from their Liability to supply the requisite Relief to such poor Person whilst in such Union or Parish.

Paupers rendered irremovable by the 9 & 10 Vict. c. 66. rendered chargeable to the Common Fund of the Union.

III. And be it enacted, That after the Thirtieth Day of *September* next until the Thirtieth Day of *September* in the Year One thousand eight hundred and forty-nine all the Costs incurred in the Relief, as well medical as otherwise, of any poor Person, who, not being settled in the Parish where he resides, shall by reason of some Provision of the Act passed in the Tenth Year of the Reign of Her Majesty, intituled *An Act to amend the Laws relating to the Removal of the Poor*, be or become exempted from the Liability to be removed from the Parish where he resides, shall, where the said Parish shall be comprised in any such Union as aforesaid, be charged to the Common Fund of such Union, so long as such Person shall continue to be so exempted; and the Expenses of the Burial of any such Person so exempted at the Time of his Death shall, if legally payable by the Guardians of the Union, likewise be charged to the said Common Fund.

Questions arising as to Cost of Relief, &c. may be referred to and decided by the Poor Law Board;

whose Orders shall not be removable after a certain Time, nor be quashed for Want of Form.

Guardians may assist in the Emigration of certain Poor, and charge the Cost upon the Common Fund of the Union, or Parish in case of not being in Union.

IV. And be it enacted, That where in any such Union a Question shall arise between any Parishes therein, or between the Guardians and any Parish or Parishes therein, with reference to the charging of the Cost of his Relief, as to whether any Pauper be so exempted as aforesaid, the Parties may jointly submit such Question to the Commissioners for administering the Laws for the Relief of the Poor in *England*, who may thereupon, if they think proper, entertain such Question, and by an Order under their Seal determine the same; but no such Order shall be liable to be removed, by Writ of *Certiorari* or otherwise, into the Court of Queen's Bench, after the Expiration of the Term next ensuing the Time when the Copy thereof shall have been sent to the Guardians, nor shall the same be quashed for any Defect of Form therein; and every such Order not rescinded or quashed shall be in all Courts and for all Purposes final and conclusive between the Guardians and every Parish in the Union interested in the Matter.

V. And be it enacted, That the Guardians of any Union or Parish may, with the Order of the said Commissioners, and in conformity with such Regulations as they shall make, procure or assist in procuring the Emigration of any poor Person rendered irremovable by virtue of the Provisions of the said last-mentioned Act, and chargeable or who would, if relieved, be chargeable upon the Common Fund of such Union, or in the Case of any Parish not comprised in a Union who may, though not settled therein, be irremovable as aforesaid therefrom; and such Guardians shall in the Case of a Union charge the Costs and Expenses incurred in such Emigration upon the Common Fund,

Fund, and in the Case of a Parish not in a Union, upon the Monies in their Hands for the Relief of the Poor.

VI. And be it enacted, That the Cost of all the Relief which under the Provisions of this Act shall be chargeable to the Common Fund of any Union shall be charged to the Common Fund of such Union, in the same Manner as Union Expenses are directed to be charged by the herein first-recited Act.

Mode of charging the Relief herein provided for.

VII. And be it enacted, That the Guardians of any Union may, on the Application of the major Part of the Overseers of any Parish comprised in it, or of any Person assessed to the Poor Rate in any such Parish, cause a Valuation to be made at any Time of any Property alleged to be rateable to the Relief of the Poor, being a Part only of the rateable Property of such Parish, and may charge the Expenses of such Valuation to the Overseers of such Parish, or to such Person so applying as aforesaid.

Guardians may cause a Valuation to be made at any Time of Property alleged to be rateable.

VIII. And be it enacted, That the Guardians of any Union shall be entitled to obtain Orders of Maintenance upon the Relations liable under any Statute now in force to maintain any poor Person whose Relief would be chargeable to the Common Fund of the Union, in like Manner as the Churchwardens and Overseers of any Parish can now obtain the same, and may expend in respect of such Person, out of such Fund, any Money for any Purpose which the Overseers of the Parish to which such Person, if chargeable, would have belonged might have done; and all Relief to be granted by the Guardians to any Pauper upon Loan, and which shall be chargeable to the Common Fund of the Union, or to any Parish therein, may be recoverable in the County Court or other Court for the Recovery of Small Debts for the District wherein the Union or the major Part thereof shall be comprised, on the Complaint of the said Guardians, who may apply and be heard in such Court by any Officer appointed by them for such Purpose, in manner prescribed by the Statutes enabling them to appoint Officers to act for them: Provided nevertheless, that the Remedy already provided by Law for the Recovery of the Relief granted on Loan shall be in force and applicable to the Relief so chargeable to the Common Fund as aforesaid.

Guardians may obtain Orders of Maintenance, and charge Expenses in like Manner as Churchwardens, &c.

Relief advanced by way of Loan may be recovered in County Court, &c.

IX. And be it enacted, That if any Person herein-before made chargeable upon the Common Fund of the Union shall be convicted before any Justice of any Offence committed in any Workhouse while maintained therein, or of deserting or running away from any Workhouse, and carrying away Clothes or other Property therefrom, and be liable to be committed to any Gaol or House of Correction, the Justice before whom such Person shall be convicted may commit such Person to the Gaol or House of Correction of the County or Place containing the Parish in which such Person, if chargeable to the Common Fund by reason of being exempt from Removal under the Statute herein-before mentioned, shall have been residing, when admitted into the Workhouse, or to that of the County

Persons being chargeable upon the Common Fund of a Union, and being convicted of any Offence, may be committed by a Justice to the Common Gaol, &c., the Expenses of which shall be charged upon the County, &c.

or Place comprising the major Part of such Union, in the Case of any other Person herein rendered chargeable on the said Common Fund, notwithstanding such Workhouse may not be situated in such County or Place, or that such Justice may not be a Justice of such County or Place; and the Charges of the Conveyance of such Person to such Gaol or House of Correction, and all other Charges consequent upon such Committal, shall be borne by such County or Place in like Manner as the Charges of Persons committed in the ordinary Mode to the Gaol thereof shall be borne.

Poor Persons
may be searched
on Admission
to Workhouse.

X. And be it enacted, That upon Application for Relief, by Admission to the Workhouse of any such Union as aforesaid or otherwise, by any poor Person professing to be a destitute Wanderer or Wayfarer, the Master, Porter, or other Officer of such Workhouse, or the Relieving Officer of such Union or Overseer of any Parish to whom such Application for Relief shall be made, may search such Person, or cause him to be searched, and may take from such Person any Money which shall be found upon him, and shall deliver the same to the Guardians, to be by them applied in aid of the Common Fund of the Union; and every Person who shall apply for Relief at any Workhouse, or to any Relieving Officer or Overseer, having at the Time of such Application in his Possession and under his immediate Control any Money or other Property, of which, on Inquiry made by the Guardians or their Officers, or by Overseers, he shall not make correct and complete Disclosure, shall be taken to be an idle and disorderly Person within the Meaning of the Act of the Fifth Year of the Reign of His late Majesty King *George* the Fourth for the Punishment of idle and disorderly Persons and Rogues and Vagabonds in *England*, and shall be punishable and dealt with in all respects and with the like Proceedings as idle and disorderly Persons under the said Act.

Persons in pos-
session of Means
applying for
Relief, punish-
able as idle and
disorderly Per-
sons.

Certificate of
Chargeability
in Form pre-
scribed in Sche-
dule to
7 & 8 Vict. c. 101.
deemed suffi-
cient Evidence.

XI. And be it enacted, That in any Court and before any Justice or Justices, and for all Purposes, a Certificate of the Chargeability of any Person named therein in the Form prescribed in the Schedule marked C. to the Act of the Eighth Year of the Reign of Her present Majesty for the Amendment of the Laws for Relief of the Poor in *England*, and purporting to have been executed in the Manner prescribed by that Act, shall be received within the Space of Twenty-one Days from the Date thereof as sufficient Evidence of the Chargeability of the Person named therein, unless the contrary be otherwise shown.

Interpretation
of Act.

XII. And be it enacted, That the several Words used in this Act shall be construed in the Manner prescribed by the said first herein-recited Act, and the Statutes explaining and extending it.

Act may be
amended, &c.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. CXI.

An Act to amend an Act of the Tenth Year of Her present Majesty, for amending the Laws relating to the Removal of the Poor. [4th September 1848.]

‘ **W**HEREAS by an Act passed in the Tenth Year of the
 ‘ Reign of Her Majesty, intituled *An Act to amend the* 9 & 10 Vict. c. 66.
 ‘ *Laws relating to the Removal of the Poor*, after reciting that it
 ‘ was expedient that the Laws relating to the Removal of the
 ‘ Poor should be amended, it was enacted, that from and after
 ‘ the passing of that Act no Person should be removed nor
 ‘ should any Warrant be granted for the Removal of any Person
 ‘ from any Parish in which such Person should have resided
 ‘ for Five Years next before the Application for the Warrant:
 ‘ Provided always, that the Time during which such Person
 ‘ should be a Prisoner in a Prison, or should be serving Her
 ‘ Majesty as a Soldier, Marine, or Sailor, or reside as an In-
 ‘ Pensioner in *Greenwich* or *Chelsea* Hospitals, or should be
 ‘ confined in a Lunatic Asylum, or House duly licensed or
 ‘ Hospital registered for the Reception of Lunatics, or as a
 ‘ Patient in a Hospital, or during which any such Person
 ‘ should receive Relief from any Parish, or should be wholly or
 ‘ in part maintained by any Rate or Subscription raised in a
 ‘ Parish in which such Person does not reside, not being a *bond*
 ‘ *fide* charitable Gift, should for all Purposes be excluded in the
 ‘ Computation of Time therein-before mentioned, and that the
 ‘ Removal of a Pauper Lunatic to a Lunatic Asylum under
 ‘ the Provisions of any Act relating to the Maintenance and
 ‘ Care of Pauper Lunatics should not be deemed a Removal
 ‘ within the Meaning of that Act: Provided always, that when-
 ‘ ever any Person should have a Wife or Children having no
 ‘ other Settlement than his or her own, such Wife and Children
 ‘ should be removable whenever he or she is removable, and
 ‘ should not be removable when he or she is not removable:
 ‘ And whereas by reason of the Generality of the Expressions
 ‘ used in the last Proviso Doubts are entertained as to the
 ‘ Meaning thereof, and it is desirable to remove such Doubts:’
 Be it therefore enacted by the Queen’s most Excellent Majesty,
 by and with the Advice and Consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled,
 and by the Authority of the same, That the said last Proviso be
 repealed; and that instead thereof the following be enacted:
 Provided always, that whenever any Person should have a Wife
 or Children having no other Settlement than his or her own,
 such Wife and Children should be removable from any Parish or
 Place from which he or she would be removable, notwithstanding
 any Provisions of the said recited Act, and should not be remov-
 able from any Parish or Place from which he or she would
 not be removable by reason of any Provision in the said recited
 Act.

Repealing
 Proviso in
 9 & 10 Vict. c. 66.
 in relation to
 Removal of
 Wives and Chil-
 dren, and substi-
 tuting another
 in lieu thereof.

Not to affect
Appeals of
which Notice
has been given.

II. And be it enacted, That nothing herein contained shall affect any Appeal of which Notice shall have been given before the passing of this Act.

CAP. CXII.

An Act to consolidate, and continue in force for Two Years and to the End of the then next Session of Parliament, the Metropolitan Commissions of Sewers.

[4th September 1848.]

23 H. 8. c. 5.

City of London.
11 G. 3. c. 29.

33 G. 3. c. 75.

4 G. 4. c. cxiv.

‘ WHEREAS by virtue of the Act concerning Sewers passed
‘ in the Twenty-third Year of the Reign of King *Henry*
‘ the Eighth, and the several Acts continuing, amending, and
‘ explaining the same, there have been from Time to Time
‘ issued several Commissions of Sewers for several Districts
‘ near the City of *London*, commonly known as the Districts of
‘ the *Tower Hamlets*, of *Saint Katherine’s*, of *Poplar* and *Black-*
‘ *wall*, of *Holborn* and *Finsbury*, of *Westminster* and Part of
‘ *Middlesex*, of *Surrey* and *Kent*, and of *Greenwich* respectively;
‘ and the Jurisdiction and Powers of certain of the said Com-
‘ missions of Sewers have been extended by several Acts of
‘ Parliament; and the Commissions of Sewers for the said
‘ several Districts, except for the said District of *Saint Kather-*
‘ *rine’s*, now in force, respectively bear Date at *Westminster* the
‘ Thirtieth Day of *November* One thousand eight hundred and
‘ forty-seven; and the Commission for the said District of *Saint*
‘ *Katherine’s* bears Date at *Westminster* the Fourth Day of
‘ *December* One thousand eight hundred and forty-seven: And
‘ whereas an Act was passed in the Eleventh Year of the Reign
‘ of King *George* the Third, intituled *An Act for consolidating,*
‘ *extending, and rendering more effectual the Powers granted by*
‘ *several Acts of Parliament for making, enlarging, amending, and*
‘ *cleansing the Vaults, Drains, and Sewers within the City of*
‘ *London and Liberties thereof, and for paving, cleansing, and*
‘ *lighting the Streets, Lanes, Squares, Yards, Courts, Alleys, Pas-*
‘ *sages, and Places, and preventing and removing Obstructions and*
‘ *Annoyances within the same*; and an Act was passed in the
‘ Thirty-third Year of the same Reign, to explain, amend, and
‘ render more effectual the said last-mentioned Act; and an
‘ Act was passed in the Fourth Year of the Reign of King
‘ *George* the Fourth, for altering and amending the said Two
‘ last-mentioned Acts; and by virtue of the said Acts the sole
‘ Power of ordering, designing, making, enlarging, widening,
‘ deepening, raising, altering, removing, repairing, cleansing,
‘ and scouring of all Common Sewers, Drains, and Vaults, and
‘ of paving, cleansing, and lighting the several Streets, Lanes,
‘ Squares, Yards, Courts, Alleys, Passages, and Places within
‘ the said City of *London* and Liberties thereof, is vested in
‘ the Mayor and Commonalty and Citizens of the said City;
‘ and the Persons who by the Mayor, Aldermen, and Com-
‘ mons of the said City, in Common Council assembled, are
‘ from

‘ from Time to Time nominated, and, under the Common Seal
 ‘ of the said Mayor and Commonalty and Citizens, appointed
 ‘ for that Purpose, together with the Recorder and Common
 ‘ Serjeant of the said City for the Time being, are Commis-
 ‘ sioners for carrying the said Acts into execution, and are
 ‘ herein-after referred to as the Commissioners of Sewers of
 ‘ the City of *London*: And whereas by an Act passed in the
 ‘ Fifth Year of the Reign of King *George* the Fourth, intituled
 ‘ *An Act for more effectually paving, lighting, watching, cleansing,* 5 G. 4. c. 100.
 ‘ *and regulating the Regent’s Park, together with the new Street*
 ‘ *from the Regent’s Park to Pall Mall, and the new Streets and*
 ‘ *Improvements in the Neighbourhood of Parliament Street and*
 ‘ *Privy Gardens, and for maintaining a convenient Sewage for the*
 ‘ *same,* the Commissioners for executing that Act are appointed
 ‘ Commissioners of Sewers for maintaining and keeping in
 ‘ repair the principal or Common Sewer extending from the
 ‘ *Regent’s Park* aforesaid to *Charing Cross*, and from thence to
 ‘ the River *Thames*, and other Drains, Watercourses, and Com-
 ‘ munications under the Authorities and Provisions therein
 ‘ contained, and the Powers of such Commissioners have been
 ‘ extended by other Acts of Parliament: And whereas an Act
 ‘ was passed in the Third and Fourth Years of the Reign of
 ‘ King *William* the Fourth, intituled *An Act to amend the Laws* 3 & 4 W. 4. c. 22.
 ‘ *relating to Sewers,* and the said Act was amended by an Act
 ‘ of the Fourth and Fifth Years of the Reign of Her present 4 & 5 Vict. c. 45.
 ‘ Majesty; but the said Acts contain Savings which exclude
 ‘ the Commissioners of Sewers of the City of *London*, and the
 ‘ Commissioners for executing the said Act of the Fifth Year
 ‘ of King *George* the Fourth, and certain of the Commissions
 ‘ herein-before mentioned, wholly or in part from the Operation
 ‘ of such Acts: And whereas it is expedient that the Districts
 ‘ comprised within the Limits of the several Commissions of
 ‘ Sewers herein-before mentioned, and the Parts subject to the
 ‘ Jurisdiction of the said Commissioners of Sewers appointed
 ‘ under the said Act of the Fifth Year of King *George* the
 ‘ Fourth, with such other Places herein-after mentioned as it
 ‘ may be convenient for Drainage Purposes to annex thereto,
 ‘ should be subject to the Jurisdiction of One Commission of
 ‘ Sewers, and that the Powers vested in the said several Com-
 ‘ missions of Sewers, and the Commissioners lastly herein-
 ‘ before mentioned, should be amended, and should be exercised
 ‘ by such One Commission, subject to the Provisions of this
 ‘ Act:’ Be it therefore enacted by the Queen’s most Excellent
 Majesty, by and with the Advice and Consent of the Lords
 Spiritual and Temporal, and Commons, in this present Parlia-
 ment assembled, and by the Authority of the same, That it shall
 be lawful for Her Majesty to cause to be issued from Time to
 Time under the Great Seal of the United Kingdom of *Great*
Britain and *Ireland* One Commission of Sewers for the City and
 Liberties of *Westminster* and the Borough of *Southwark*, and all
 Parts within the Limits mentioned in the said several Commis-
 sions bearing Date the Thirtieth Day of *November* and the

*Constitution, &c.
of Commission.*

Power to Her
Majesty to
cause to be
issued One
Commission of
Sewers for the
Metropolitan
Districts.

**Constitution, &c.
of Commission.**

Fourth Day of *December* One thousand eight hundred and forty-seven, and the Parts subject to the Jurisdiction of the Commissioners acting in execution of the said Act of the Fifth Year of King *George* the Fourth, and such other Places or Parts in the Counties of *Middlesex, Surrey, Essex, and Kent*, or any of them, being not more than Twelve Miles distant in a straight Line from *Saint Paul's* Cathedral in the City of *London*, but not being within the City of *London* or the Liberties thereof, as shall from Time to Time be named in such Commission, or comprised within the Limits therein, or in any Map which may be annexed to such Commission, and taken as Part thereof, described or set forth; and no Place or Part comprised within such Limits shall be exempt from the Jurisdiction of the Commissioners by reason of the same being extra-parochial, or being beyond the Ebb or Flow of the Tide, or by reason of any other Exemption or supposed Exemption from the general Law of Sewers previously to the passing of this Act.

**Duration of
Commission.**

II. And be it enacted, That every Commission to be issued under this Act shall continue in force for the Term of Two Years next ensuing the Date thereof, notwithstanding any Demise of the Crown, unless determined by reason of any new Commission or by Writ of Supersedeas; and all Bye Laws, Decrees, and Acts made or done by any Court of Sewers during the Continuance and by virtue of any such Commission shall, notwithstanding the Expiration or Determination of the Commission under which such Bye Laws, Decrees, and Acts shall have been made or done, continue to have the same Force and Effect as if such Commission had not expired or determined.

**Bye Laws, &c.
to continue in
force after Ex-
piration of
Commission.****Style of Com-
missioners.**

III. And be it enacted, That the Commissioners who shall be from Time to Time named in such Commission, together with such other Persons as shall be from Time to Time Commissioners for the Purposes of this Act under the Provisions herein contained, shall be styled "The Metropolitan Commissioners of Sewers."

**Lord Mayor
and Four Per-
sons, being
Members of
the Common
Council, to
be appointed
Commissioners
under this Act.**

IV. And be it enacted, That the Lord Mayor of the City of *London* for the Time being shall by virtue of his Office be a Commissioner; and the Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, shall, with all convenient Speed after the issuing of every Commission under this Act, appoint Four Persons, being Members of the Court of Aldermen or of the Common Council, to be Commissioners; and so often as any Person so appointed shall die, resign, or, under the Provisions herein-after contained, cease to be a Commissioner, it shall be lawful for the Mayor, Aldermen, and Commons of the said City, in Common Council assembled, in like Manner to appoint a Person, being a Member of the Court of Aldermen or of the Common Council, to be a Commissioner in the Place of the Commissioner so dying, resigning, or ceasing to be a Commissioner; and every Appointment of such Persons and Person as aforesaid shall be certified under the Common Seal of the Mayor and Commonalty and Citizens of the

the said City to the Metropolitan Commissioners of Sewers; and the said Lord Mayor, and the Persons for the Time being appointed as aforesaid, shall, at the Courts and in respect of the Matters at and on which they are authorized to sit and vote under this Act, have the same Powers and be subject to the same Provisions as if they had been named in the Commission.

*Constitution, &c.
of Commission.*

V. Provided always, and be it enacted, That the Commissioners for the Time being may continue to act notwithstanding any Vacancy in or Nonappointment of the Persons hereby authorized to be appointed by the said Mayor, Aldermen, and Commons, and notwithstanding any Vacancy or Vacancies by any Means in the Commission.

*Commissioners
may act during
Vacancies.*

VI. And be it enacted, That in case any Commissioner named in any Commission under this Act, or appointed by the said Mayor, Aldermen, and Commons, shall be declared bankrupt, or shall apply to take the Benefit of or shall become subject to any Act for the Relief of Insolvent Debtors, or shall compound with his Creditors, or if any Commissioner shall accept or hold any Office under the Commissioners, or in any Manner be concerned or interested in any Contract or Work made with or executed for the Commissioners, or, being appointed by the Mayor, Aldermen, and Commons, shall cease to be a Member of the Court of Aldermen or of the Common Council, then and in every such Case such Person shall, except in the Case next herein-after provided, cease to be a Commissioner; provided that no Person, being a Shareholder of any Joint Stock Company established by Act of Parliament or by Charter, shall be disabled from continuing or acting as a Commissioner by reason of any Contract between such Company and the Commissioners, or of any Work executed by such Company, but no such Commissioner shall vote upon any Question in which such Company is interested; and any Person who shall act as a Commissioner after ceasing to be a Commissioner as aforesaid, or any Commissioner, being a Shareholder in any such Joint Stock Company, who shall vote upon any Question in which such Company is interested, shall for every such Offence be liable to a Penalty of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt: Provided always, that all Acts and Proceedings of any Person ceasing to be a Commissioner or disabled as aforesaid shall, if done previously to the Recovery of such Penalty, be valid and effectual to all Intents and Purposes whatsoever.

*Disqualifica-
tions of Com-
missioners.*

VII. And be it enacted, That upon the issuing of the First Commission under this Act the said several Commissions bearing Date respectively the Thirtieth Day of *November* and the Fourth Day of *December* One thousand eight hundred and forty-seven shall determine; and all Lands, Buildings, Works, and Hereditaments, Utensils, Materials, Books, Plans, Maps, Papers, Effects, Monies, Securities, and other Property, which shall then be vested in or held in trust for the Commissioners of Sewers under such several Commissions, or which would have been vested in or held in trust for such Commissioners in case

*Transfer of Pro-
perty, Rights,
Liabilities, &c.
of former
Commissions to
Commissions
under this Act.*

*Property of
Sewers, &c.
vested in Com-
missioners.*

such

Transfer of Property, Rights, Liabilities, &c. of former Commissions to Commissions under this Act.

Transfer of Debts and Liabilities to Metropolitan Commissioners of Sewers.

such several Commissions had not determined, for all such Estate and Interest of and in the same respectively as shall then be or would have been in or in trust for such last-mentioned Commissioners or any of them, and all Sewers vested in or under the Management of such last-mentioned Commissioners and the Commissioners acting in execution of the said Act of the Fifth Year of King *George* the Fourth respectively, with all Rights of Way and Passage now used and enjoyed by such respective Commissioners over and to such respective Sewers, shall be vested in the Metropolitan Commissioners of Sewers; and all Persons who shall then owe any Money to the Commissioners of Sewers under the said Commissions bearing Date respectively the Thirtieth Day of *November* and the Fourth Day of *December* One thousand eight hundred and forty-seven, or any of them, or to any Person on behalf of such Commissioners, shall pay the same to the Metropolitan Commissioners of Sewers, or as they shall direct; and all Monies which shall be then due and owing by or recoverable from the Commissioners under the said last-mentioned Commissions or any of them shall be paid by or recoverable from the Metropolitan Commissioners of Sewers; and all Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made or entered into before the issuing of the First Commission under this Act, to, with, or in favour of, or by or for the Commissioners under the said Commissions, which will be determined by the issuing of such Commission, or under the previous Commissions of Sewers for the same Limits or any of them, or any Person on behalf of such Commissioners respectively, shall take effect, and may be proceeded on and enforced, as near as Circumstances will admit, in favour of, by, against, and with reference to the Metropolitan Commissioners of Sewers, in such Manner as the same would have taken effect and might have been proceeded on and enforced in favour of, by, against, and with reference to the Commissioners under the Commissions so determined, or any of them, if this Act had not been passed, and such determined Commissions had continued in full Force; and all Sewers which the Metropolitan Commissioners of Sewers shall from Time to Time make within the Limits of their Commission, and all other Sewers made and to be made within such Limits, except Sewers made or to be made by any Person or Persons for his or their own Profit, or for the Profit of Proprietors or Shareholders, and the Materials and Works belonging to such respective Sewers, shall be vested in such Commissioners.

Actions, &c. not to abate, but to continue for or against Metropolitan Commissioners.

VIII. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever commenced or carried on either by or against the Commissioners under the said Commissions bearing Date respectively the Thirtieth Day of *November* and Fourth Day of *December* One thousand eight hundred and forty-seven, or any of them, previously to the issuing of the First Commission under this Act, shall abate or be discontinued or prejudicially affected by the Determination of such first-mentioned Commissions, but shall continue and take effect both in

favour of and against the Metropolitan Commissioners of Sewers, in the same Manner in all respects as the same would have continued and taken effect in relation to the Commissioners under the Commissions so determined, or any of them, if this Act had not been passed, and such determined Commissions had continued in full Force; and all Decrees and Orders made, and all Fines, Amerciaments, and Penalties imposed and incurred respectively previously to the issuing of such First Commission, shall and may be enforced, levied, recovered, and proceeded for, and all Presentments and administrative Proceedings commenced previously to the issuing of such first Commission shall and may be continued, proceeded with, and completed, in such or the like Manner as if this Act had not been passed, the Metropolitan Commissioners of Sewers being, in reference to the Matters aforesaid, in all respects substituted in the Place of the Commissioners under the respective Commissions so determined.

Transfer of Property, Rights, Liabilities, &c. of former Commissions to Commissions under this Act.

IX. And be it enacted, That all Rates which shall have been made or re-enacted by the Commissioners under the said Commissions bearing Date respectively the Thirtieth Day of *November* and the Fourth Day of *December* One thousand eight hundred and forty-seven, or any of them, previously to the issuing of the First Commission under this Act, or so much thereof as shall not have been levied and paid, shall be paid to and levied by the Commissioners under this Act; and such Commissioners shall have the same Rights and Remedies in all respects in relation thereto as would have been had and might have been exercised by the Commissioners by whom such Rates shall have been made in case their respective Commissions had not been determined; and all such Rates respectively shall, so far as Circumstances will admit, be applied to the same Purposes as the same would have been applicable to in case such first-mentioned Commissions had not determined.

Rates made under former Commission to be recoverable under this Act.

X. And be it enacted, That every Clerk, Surveyor, Collector, and other Officer appointed by virtue of or acting under the Authority of the Commissions which will be determined by the issuing of the First Commission under this Act, or any of them, and not acting contrary to the Provisions of this Act, shall hold and enjoy his Office and Employment, together with the Salary or Emolument thereunto annexed, until he shall be removed therefrom; and every such Clerk, Surveyor, Collector, and Officer shall have the like Power and Authority, for the Purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like Pains and Penalties, and to the like Power of Removal, and to the Provisions of this Act, and the Bye Laws of the Commissioners, in all respects as if he had been appointed by virtue of this Act.

Officers under former Commissions to continue until removed.

XI. And be it enacted, That such of the Commissioners as shall be present at any Court of Sewers, or the Majority of them, the whole Number present not being less than Six, may exercise and perform all the Powers, Authorities, and Duties by this Act or otherwise vested in the Commissioners.

Courts, Proceedings thereat, &c.

Six or more Commissioners to exercise Powers of Act.

XII. Pro-

Courts, Proceedings thereat, &c.

Lord Mayor and Persons appointed by Common Council may vote on Questions affecting the City of London;

such Questions to be discussed only at Special Courts, and Notice to be given thereof.

Appointment of Chairman of Courts.

Questions to be decided by Majority of Votes.

Provision for Commissioners holding their First Court.

Monthly Courts may be held.

XII. Provided always, and be it enacted, That it shall be lawful for the Lord Mayor of the City of *London*, and the said Persons for the Time being appointed as aforesaid by the said Mayor, Aldermen, and Commons, to sit and vote at all Courts of Sewers upon all Questions relative to the Exercise of the Powers hereby given to the Commissioners of directing any Sewer to be deepened or enlarged within the City of *London* and the Liberties thereof, and any Sewer to be made within such City and Liberties, and any other Work to be done in relation to Sewers within such City and Liberties, and settling, ascertaining, and assessing the Amount of Expenses, or the Portion or Residue of Expenses, to be borne or paid by the City of *London* under this Act; and no such Question as aforesaid shall be discussed or decided except at a Special Court, of which and of the Object of which Notice shall be given in manner herein-after provided; and the said Lord Mayor, and the said Persons for the Time being appointed as aforesaid, shall not sit or vote at any Court of Sewers, or exercise the other Powers of Commissioners under this Act, except as aforesaid.

XIII. And be it enacted, That a Chairman shall be appointed at each Court of Sewers; and if any Difference shall arise upon the Choice of a Chairman at any Court, such Chairman shall be chosen by the Majority of Commissioners present thereat; and in case there be an equal Number of Votes upon such Choice, then, except in the Case herein-after mentioned, the Person proposed whose Name shall stand first in the Commission shall be the Chairman; but in case the Lord Mayor of the City of *London* shall be present and authorized to sit and vote at such Court under the Provisions of this Act, and shall be One of the Persons proposed, then the said Lord Mayor shall be Chairman.

XIV. And be it enacted, That at all Courts of Sewers the Questions there considered shall be decided by the Votes of the Majority present; and if there be an equal Division of Votes upon any Question, the Chairman at such Court shall, in addition to his own Vote as a Commissioner, have a second or casting Vote.

XV. And be it enacted, That the Commissioners shall hold their First Court at such Time and Place as shall be directed in the Commission in this Behalf, and if a Time or Place respectively shall not be appointed therein, then at the Court House of the Commissioners under the said Commission for *Westminster* and Part of *Middlesex*, on the First *Wednesday* after the issuing of the Commission under this Act, at One of the Clock in the Afternoon.

XVI. And be it enacted, That the Commissioners may hold Monthly Courts for the Purposes of this Act, and may from Time to Time fix the Day and Hour for holding such Courts; and upon any such Day and Hour being fixed the Commissioners for the Time being are required to attend such Courts without any Notice.

XVII. And

XVII. And be it enacted, That no new Laws shall be adopted nor any extraordinary Business discussed at the Monthly Courts, unless due Notice thereof shall have been given at a prior Court, and the Subject of such Business notified to each Commissioner by means of written or printed Notices delivered or sent in the Manner herein provided.

Courts, Proceedings thereat, &c.

Notice to be given of extraordinary Business at Monthly Courts

XVIII. And be it enacted, That it shall be lawful for the Commissioners to hold Special Courts; and every such Special Court shall be convened by the Clerk, upon a Requisition in Writing to the Clerk by any Three or more of the Commissioners, in which shall be specified the Time, Place, and Objects of such Court; but, except in Cases of Emergency, no such Court shall be held unless Notice thereof shall be given to each Commissioner in manner herein provided.

Power to hold Special Courts.

XIX. And be it enacted, That any Court of Sewers to be holden under the Authority of this Act may adjourn from Time to Time to such Day and Hour, and to the same or any other Place, as such Court may think fit; and if there shall not be Six Commissioners present within One Hour after the Time appointed for holding any Court of Sewers, then it shall be lawful for the Commissioners present, or the major Part of them, or any One Commissioner if only One be present, or for the Clerk if no Commissioner be present, to adjourn such Court in manner aforesaid; and Notice of every adjourned Court, and of the Objects or Business thereof (where Notice of such Objects or Business would be required in the Case of an original Court), shall be given in manner herein provided.

As to the Adjournment of Courts.

XX. And be it enacted, That Two Days at the least before the holding of each Court of which or of the Objects or Business of which Notice is hereby required to be given a Notice specifying the Time and Place of holding such Court, and the Objects or Business thereof (where Notice of such Objects or Business is hereby required to be given), shall be delivered to each Commissioner personally, or left at his Place of Abode, or transmitted through the Post Office to him; and where Notice is hereby required to be given to the said Lord Mayor, and the Persons appointed by the said Mayor, Aldermen, and Commons, the like Notice shall be delivered to the Chamberlain of the City of *London* personally, or left at his Office.

Notices for holding of Courts to be given.

XXI. And be it enacted, That it shall be lawful for the Commissioners present at any Court to appoint a Committee for any Purposes which in the Discretion of the Commissioners would be better regulated and managed by means of such Committee, and to fix the Quorum of such Committee, and at any Court to continue, alter, or discontinue such Committee: Provided always, that the Acts of every such Committee shall be from Time to Time submitted to a Court of Sewers for their Approval.

Power for Commissioners to appoint Committee.

XXII. And be it enacted, That every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted

Powers of Committee.

Works, &c. to be done by Commissioners, and Regulations for improved Drainage.

If Persons, after receiving Notice, fail to comply, Commissioners may execute the same, and charge the Expenses, &c.

Where Works done in pursuance of this Act shall interfere with any ancient Mill, &c., Compensation to be made, or Rights therein purchased.

Power to Commissioners to order Streets, &c. to be cleansed for Preservation of Health, and to lay on Water Pipes, &c. within their Limits.

the same shall exist, requiring him, within a Time to be specified in such Notice, to drain, cleanse, cover, or fill up any such Pond, Pool, Ditch, Sewer, Drain, or Place, or to construct a proper Sewer or Drain for the Discharge of such Drainage, Filth, Water, Matter, or Thing, as the Case may require; and if the Person to whom such Notice is given fail to comply therewith, the Commissioners shall execute the Works mentioned or referred to therein; and the Expenses incurred by them in so doing shall be ascertained by the Decree of the Commissioners, and shall be paid by an Improvement Rate upon the Premises, or shall be paid as Charges for Default, as the Commissioners shall by their Decree direct: Provided always, that it shall be lawful for the Commissioners, where they shall think it reasonable, to order that the whole or a Portion of the Expenses incurred in respect of any such last-mentioned Works be defrayed out of the District Sewers Rate to be levied under this Act, and in case of any such Order the whole or such Portion of the Expenses as may be mentioned therein shall be defrayed and levied accordingly: Provided also, that where the Commissioners shall propose to direct by their Decree that the whole or any Portion of such last-mentioned Expenses shall be paid by an Improvement Rate or as Charges for Default, Notice of such proposed Decree shall be given to the Owner or Occupier of the Premises One Month before such Decree shall be made; and where within such One Month after such Notice any such Owner or Occupier shall serve Notice on the Commissioners of his Desire that the Matter be settled by Arbitration, the Question whether all or any or what Portion of such Expenses shall be so paid shall be settled by Arbitration under the Provisions herein-after contained: Provided also, that where any Work by the Commissioners done or required to be done in pursuance of the Provisions of this Act shall interfere with or prejudicially affect any ancient Mill, or any Right connected therewith, or other Right to the Use of Water, full Compensation shall be made to all Persons sustaining Damage thereby in manner herein provided concerning Compensation to Persons sustaining Damage by reason of the Exercise of any of the Powers of this Act; or it shall be lawful for the Commissioners, if they shall think fit, to contract for the Purchase of such Mill, or any such Right connected therewith, or other Right to the Use of Water; and the Provisions of this Act with respect to the Purchases by the Commissioners herein-after authorized shall be applicable to every such Purchase as aforesaid.

LI. And be it enacted, That when and so often as it shall appear to the Commissioners that any Street, or any common Stairs, or Passage or other Place common to the Inhabitants of several Tenements situate within the Limits of the Commission, shall not be sufficiently cleansed, or that the Refuse therefrom shall not be removed so effectually or completely or so often as the Commissioners shall deem necessary for the Preservation of the public Health, Decency, or Comfort, the Commissioners shall cause such Street, Stairs, Passage, or Place, and also the Walls

necessary or proper for the Execution of the Powers vested in the Commissioners, and assign and allow Salaries, Wages, or Remuneration to such Officers or Servants, and from Time to Time remove and dismiss such Officers and Servants respectively; and if any Officer or Person appointed, employed, or continued in Office by the Commissioners shall be afflicted with some permanent Infirmary disabling him from the Execution of his Office or Duty, and shall be desirous of resigning the same, or if, for any Length of Service or other meritorious Cause, the Commissioners shall at any Time hereafter deem it just that any Officer or other Person who shall have been employed under the said Commissions which will be determined by the issuing of the First Commission under this Act, or any of them, or under any former Commissions for the same Limits, and who shall not be continued in Office under such First Commission, or any Officer or other Person so appointed, employed, or continued in Office by the Commissioners, should be paid any retiring Pension or Allowance, it shall be lawful for the Commissioners from Time to Time, and as often as it shall occur, to order the Payment of such Pension or Allowance, and on such Terms, and out of such Funds under the Disposal of the Commission, as to the Commissioners shall seem meet.

XXVIII. And be it enacted, That no Person holding the Office of Treasurer, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Clerk; and neither the Person holding the Office of Clerk, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Treasurer; and every Person offending in any of the Cases specified in this Provision shall forfeit and pay the Sum of One hundred Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt.

Clerk and
Treasurer not
to be the same
Person.

XXIX. And be it enacted, That no Officer or Servant of the Commissioners shall be in anywise concerned or interested in any Contract or Work made with or executed for the Commissioners; and if any such Officer or Servant be so concerned or interested, or shall, under colour of his Office or Employment, exact, take, or accept any Fee or Reward whatsoever, other than his proper Salary, Wages, and Allowances, and the Fees or Sums authorized to be charged by this Act or any Bye Law of the Commissioners, he shall be incapable of afterwards holding or continuing in any Office or Employment under the Commissioners, and shall forfeit and pay the Sum of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt; provided that no Person, being a Shareholder of any Joint Stock Company established by Act of Parliament, or by Charter, shall be prevented from being employed as an Officer or Servant by reason of any Contract between such Company and the Commissioners, or of any Work executed by such Company.

Penalty on
Officers, &c.
being interested
in Contracts or
exacting Fees.

XXX. And

*Seal, Offices, and
Officers.*

*Officers, &c.
intrusted with
Money to give
Security for
duly accounting
for the same.*

*If Officer fail
to render Ac-
count, &c., Jus-
tices may com-
mit Offender
to Prison.*

XXX. And be it enacted, That before any Officer or Servant shall enter upon any Office or Employment under the Commissioners, by reason whereof he will or may be intrusted with the Custody or Control of Money, the Commissioners shall require and take from him such Security for the faithful Execution of such Office or Employment, and for duly accounting for all Monies which may be intrusted to him by reason thereof, as they may think sufficient; and every such Officer or Servant employed in the Collection of Rates under the Authority of this Act shall, within Seven Days after he shall have received any Monies on account of such Rates, unless the Commissioners shall appoint a shorter Time for that Purpose, and then within such Time as the Commissioners shall appoint, pay over the same to the Treasurer, and shall, as and when the Commissioners may direct, deliver a List, signed by him, containing the Names of all Persons who have neglected or refused to pay any Rate, and the Sums respectively due from them; and every Officer and Servant of the Commissioners, as well during his Continuance in Office or Employment as upon his Resignation, Dismissal, or ceasing to hold his Office or Employment, shall respectively, when and in such Manner as shall be required by the Commissioners, make out and deliver a true and perfect Account in Writing, signed by him, of all Monies received by him for the Purposes of this Act, and stating how, and to whom, and for what Purpose such Monies have been disposed of, and shall, together with such Account, deliver the Vouchers or Receipts for all Payments made by him, and pay over to the Treasurer all Monies owing by him upon the Balance of Accounts; and if any such Officer or Servant fail to render such Account, or to produce and deliver up such of the said Vouchers and Receipts as may be in his Possession or Power, or to pay over any such Monies as aforesaid, or if for the Space of Five Days after being thereunto required he fail to deliver up to the Commissioners all Books, Papers, Writings, Property, Effects, Matters, and Things in his Possession or Power belonging to the Commissioners, then and in every such Case a Justice shall, on Complaint being made to him in that Behalf, summon the Party charged to appear and answer the Complaint before Two Justices at a Time and Place to be specified in the Summons; and upon the Appearance of the Party charged, or upon Proof that the Summons was personally served upon him, or left at his last known Place of Abode, and if it appear to the last-mentioned Justices that he has failed to render any such Account, or to produce and deliver up any such Vouchers or Receipts, or any such Books, Papers, Writings, Property, Effects, Matters, or Things as aforesaid, and that he still fails or refuses so to do, it shall be lawful for them, by Warrant under their Hands and Seals, to commit the Offender to Gaol, there to remain, without Bail, until he shall have rendered such Account, and produced and delivered up all such Vouchers, Receipts, Books, Papers, Writings, Property, Effects, Matters, and Things in respect of which the Charge was made; and if

it appear that the Party charged has failed to pay over any such Monies as aforesaid, and that he still fails or refuses so to do, it shall be lawful for the last-mentioned Justices, by a like Warrant, to cause the same to be levied by Distress and Sale of his Goods and Chattels, and in default of any sufficient Distress to commit him to Gaol, there to remain without Bail for a Period of Three Months, unless such Monies be sooner paid: Provided always, that if the Complainant, by Deposition on Oath, show to the Satisfaction of any Justice that there is probable Cause for believing that the Party charged intends to abscond, it shall be lawful for such Justice, without previous Summons, by Warrant under his Hand and Seal, to cause him to be forthwith apprehended; and in such Case the said Party shall, within Twenty-four Hours after Apprehension, be brought before the same or some other Justice, who may order that he be discharged from Custody, if such Justice think that there is no sufficient Ground for Detention, or that he be further detained until he be brought before Two Justices at a Time and Place to be named in the Order, unless Bail to the Satisfaction of the Justice be given for the Appearance of the Party before such Two Justices: Provided also, that no such Proceeding shall be construed to relieve or discharge any Surety of the Offender from any Liability whatsoever.

*Seal, Offices, and
Officers.*

XXXI. And be it enacted, That if any Officer or Servant of the Commissioners who shall resign or be dismissed or removed from his Office shall be in possession of any Land, Buildings, or Works belonging to or vested in the Commissioners, and shall refuse or neglect to deliver up the Possession thereof within Two Days after he is required to deliver up the same, by Notice in Writing given to him, or left at his last or most usual Place of Abode, or if the Wife, Widow, Family, or Representatives of any such Officer or Servant who shall die, shall, after like Notice given to her, them, or any or either of them, refuse or neglect to deliver up Possession of the same within the like Time after she, they, any or either of them, shall be required so to do, then and in any of the said Cases it shall be lawful for the Commissioners, by Warrant under the Seal of the Commission, and under the Hands of Six Commissioners, to order a Constable or other Peace Officer, with such Assistance as shall be deemed necessary, in the Daytime, to enter into and upon and take possession of such Land, Buildings, or Works, and to remove the Persons who shall be found in or upon such Land, Buildings, or Works, together with their Goods, out of such Premises, and to put the Commissioners or their Officers or Servants in possession thereof.

*If Officers in
possession of
Property of
Commissioners
refuse to deliver
it up, they may
be removed
from the same.*

XXXII. And be it enacted, That the Commissioners shall proceed with or cause to be made or completed a Survey of the Area within the Limits of their Commission, and of any adjoining Parts which the Commissioners may think necessary to include in such Survey for the Purposes of this Act, and a Map or Maps thereof, on such Scale or respective Scales, and with such Indications of Levels, and Particulars of Sewers and under-

*Mapping, &c. of
Area, Division
thereof into
Sewerage
Districts, and
Jurisdiction of
Commissioners.*

*Commissioners
to cause a*

Survey of the Area within the Limits to be made, and a Map of the same to be prepared.

Commissioners may agree with Officers of Ordnance for making Survey.

Power to form separate Sewerage Districts.

Power to Commissioners to alter Boundaries of separate Sewerage Districts, and, until altered, existing Districts to form separate ones.

ground Works, and of the Surface, as the Commissioners shall think necessary or expedient for the Purposes of this Act or for the general Advantage of the Rate-payers; and the Commissioners may cause such Map or Maps, or any Part thereof, to be from Time to Time copied, engraved, and published as they may think proper; and the Commissioners shall from Time to Time cause such Map or Maps to be revised, and such Additions made thereto as may show the new Sewers and Drains, and the new Roads, Houses, or other Alterations, and the Date of Revision shall be expressed thereon; and every such Map shall be kept in the chief Office of the Commissioners, and the same or a Copy thereof shall be open at all seasonable Times to the Inspection of the Owners or Occupiers of any Lands within the Limits of the Commission.

XXXIII. And be it enacted, That, without Prejudice to any Contract or Arrangement under any former Commission which may become obligatory on the Commissioners under this Act, the Commissioners may agree either with the principal Officers of Her Majesty's Ordnance that such Survey or any Part thereof shall be made by surveying Officers appointed by them, or may contract for that Purpose with any competent Persons, for such Remuneration as shall be agreed upon between such Parties respectively and the Commissioners.

XXXIV. And be it enacted, That the Commissioners shall from Time to Time divide or form so much of the Area within the Limits of their Commission as are included in the Divisions, Districts, or Levels formed within the Limits of the said several Commissions which will be determined by the issuing of the First Commission under this Act, and also the Parts under the Jurisdiction of the Commissioners for executing the said Act of the Fifth Year of King George the Fourth, and also such other Parts within the Limits of the Commission under this Act as shall appear to the Commissioners to require the Exercise of all or any of the Powers vested in the Commissioners, if and as Occasion shall require, into separate Sewerage Districts, having regard in such Division or Formation to the Nature of the Ground, to the Main Lines of Sewers by which such separate Districts are or shall be drained, or to the Main Lines of Sewers which it may appear to the Commissioners expedient to form for the Drainage of such Sewerage Districts, and to the equal Benefit, as far as may be, of all Lands and Buildings comprised in such Districts; and the Commissioners shall from Time to Time mark and describe on a Map to be kept at their chief Office the Limits of such Sewerage Districts.

XXXV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to subdivide or unite, or extend, contract, or alter, the Limits or Boundaries of any such separate Sewerage Districts; but, until the Commissioners shall otherwise direct, the Divisions, Districts, or Levels formed within the Limits of the said several Commissions which will be determined by the issuing of the First Commission under this Act, and the Area within the Jurisdiction of the Commissioners for executing

executing the said Act of the Fifth Year of King George the Fourth, shall respectively form separate Sewerage Districts under this Act; and the Provisions of this Act in relation to separate Sewerage Districts shall apply to such respective Divisions, Districts, or Levels, and such Area as last aforesaid, as if the same had been formed into such separate Sewerage Districts by the Commissioners.

Mapping, &c. of Area, Division, thereof into Sewerage Districts, and Jurisdiction of Commissioners.

XXXVI. And be it enacted, That the Commissioners may, if they think fit, forbear to exercise their Jurisdiction, either wholly or in part, over any Place within the Limits of their Commission chiefly used for agricultural Purposes, or which, in the Judgment of the Commissioners, shall be in such a State as not to require the Exercise of all or any of the Powers vested in the Commissioners, until such Time, under such Circumstances, and in such Manner as they shall think fit.

Power to Commissioners to postpone Exercise of Jurisdiction in certain Cases.

XXXVII. And be it enacted, That all Sewers, Drains, Watercourses, Weirs, Dams, Banks, Defences, Gratings, Pipes, Conduits, Culverts, Sinks, Vaults, Cesspools, Privies, Reservoirs, Engines, Sluices, Penstocks, and other Works and Apparatus for the Collection or Discharge of Rain Water, surplus Land or Spring Water, waste Water or Filth, or Fluid or Semifluid Refuse of all Descriptions, and for the Protection of Lands from Floods or Inundation within the Limits of the Commission, shall be subject to the Survey, Order, and Control of the Commissioners, according to the Provisions and subject to the Regulations and Restrictions of this Act.

All Sewers, Drains, &c. to be subject to Survey, &c. of Commissioners.

XXXVIII. And be it enacted, That the Commissioners shall from Time to Time repair the Sewers which shall be from Time to Time vested in them, or such of them as shall not be discontinued, closed up, or destroyed under the Powers herein contained, and shall cause to be made such Sewers and Works, or such Diversions or Alterations of Sewers and Works, as may be necessary for effectually draining the Area within the Limits of the Commission, and shall cause any Banks or Defences abutting on any River, Stream, Canal, or Watercourse to be raised, strengthened, or altered, where it may be necessary so to do, for effectually draining or protecting from Floods or Inundation such Area; and it shall be lawful for the Commissioners to carry any such Sewers through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, or through or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street, and (if upon the Report of the Surveyor it should appear to be necessary) into, through, or under any Lands whatsoever, making Compensation for any Damage done thereby as herein-after provided; and it shall be lawful for the Commissioners from Time to Time to enlarge, contract, raise, lower, arch over, or otherwise improve or alter all or any of the Sewers, Watercourses, and Works which shall be from Time to Time vested in them or subject to their Order and Control, and to discontinue, close up, or destroy such of them as they may deem to have become unnecessary: Provided always, that the Discontinuance, Closing

Works, &c. to be done by Commissioners, and Regulations for improved Drainage.

Power for Commissioners to repair, &c. all Sewers vested in them, and from Time to Time to construct new ones, &c.

Works, &c. to be done by Commissioners, and Regulations for improved Drainage.

Power to Commissioners to do Works of Improvement in Sewers, &c., the Expense of which to be divided between the Party liable and the District.

Commissioners to cause Sewers, &c. vested in them to be cleansed and emptied from Time to Time.

Saving of Rights of Company formed under 9 & 10 Vict. c. cccxviii.

10 & 11 Vict. c. xxxviii.

After issuing Commission under this Act,

on and completed with all reasonable Despatch, it shall be lawful for the Commissioners under this Act to construct, do, and perform such Works and Things, and for that Purpose to enter upon any Land or Ground within the City of *London* or the Liberties thereof, anything in this Act or in any other Act passed or which may be passed in this present Session of Parliament contained to the contrary thereof in anywise notwithstanding.

XLIV. And be it enacted, That wherever any Party shall be, by Prescription, by reason of Tenure, or otherwise, liable by Law to maintain or do any Repairs to Sewers, Banks, Watercourses, or Works which the Commissioners shall judge it necessary to alter or improve, it shall be lawful for the Commissioners to make such Alterations or Improvements therein as they think proper, and to divide the Expense of such Alterations or Improvements between the Party liable to such Maintenance or Repairs and the District or Persons who would have been wholly liable to the Expense of such Alterations or Improvements if no Party had been liable as aforesaid, so as to throw on the Party liable to such Maintenance or Repairs such Part of the Expense of Alterations or Improvements as may be equal to what would be incurred for such Maintenance or Repairs, and to throw on the District or Persons aforesaid the Residue of such Expense, and to settle and adjust such Proportions either by some general Regulation or by Order in each particular Case, as they may think proper: Provided always, that nothing herein contained shall exempt from Liability to do any Works, or to pay the whole Cost thereof, any Person who, by Prescription, by reason of Tenure, or otherwise by Law, is so liable.

XLV. And be it enacted, That the Commissioners shall cause the Sewers which shall be from Time to Time vested in them to be constructed, covered, and kept so as not to be a Nuisance or injurious to Health, and to be properly cleared, cleansed, and emptied; and for the Purpose of clearing, cleansing, and emptying the same they may construct and place, either above or under Ground, such Reservoirs, Sluices, Engines, and other Works as may be necessary, and may cause all or any of such Sewers to communicate with and be emptied into such Places as may be fit and necessary, or may cause the Sewage and Refuse therefrom to be collected for Sale or for any Purpose whatsoever, but so as not to create a Nuisance; subject nevertheless and without Prejudice to the Rights and Privileges, Powers and Authorities, given to and vested in the Metropolitan Sewage Manure Company by an Act of Parliament passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to incorporate a Company by the Name of "The Metropolitan Sewage Manure Company,"* and by another Act of Parliament passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to enable the Metropolitan Sewage Manure Company to alter their Line of Works, and for other Purposes.*

XLVI. And be it enacted, That after the issuing of the First Commission under this Act it shall not be lawful newly to build any

any House within the Limits of the Commission, or to rebuild any House within such Limits which may have been pulled down to or below the Floor commonly called the Ground Floor, or to occupy any House so newly built or rebuilt, unless the lowest Floor be made at such a Level as shall admit of the proper Drainage thereof as herein-after mentioned; and if One or more of the Sewers of the Commissioners be within One hundred Feet of the House to be built or rebuilt, or of the Inclosure about the same, properly adapted, in the Judgment of the Commissioners, for the Drainage of such House and its Appurtenances, the Commissioners shall order the Owner or Occupier to drain such House, by continuing such Sewer of the Commissioners, or (if more than One) such One of such Sewers of the Commissioners as they shall direct, up to and along the entire Front, Side, or Back of such House and Inclosure, and by constructing in such Manner as they may direct, a covered Drain to lead from such House to such Sewer, and where there shall already be a Sewer along any Front, or Side, or the Back of any such House to be built or rebuilt as aforesaid which the Commissioners shall be satisfied is or may be adapted to the Drainage thereof and its Appurtenances, the Commissioners shall order such Owner or Occupier to construct, in such Manner as they may direct, a covered Drain to lead from such House to such Sewer, and also to contribute such Sum as the Commissioners shall deem just towards the Expense of the original Construction of such Sewer, provided it shall have been made within Thirty-five Years before the passing of this Act, such Contribution to be paid to the Person or Body who may have built the same; and if there shall be no such Sewer as aforesaid within the Distance aforesaid, then the Commissioners shall order the Owner or Occupier to construct, in such Manner as they may direct, a covered Drain to lead from such House into a covered Cesspool or other Place not being under any House, nor within such Distance from any House as the Commissioners shall direct; but if the Commissioners shall have ordered the Construction, or shall have under Consideration the Construction of any Sewer which they may think proper for the Drainage of such House, the Commissioners may make such other Order in relation to the Drainage thereof as under the Circumstances they may think fit; and if any House built before or after the passing of this Act within the Limits of the Commission and its Appurtenances shall not be drained to the Satisfaction of the Commissioners, the Commissioners shall make the like Order for the Drainage of the same as they are hereby authorized to make in the Case of a House built or rebuilt after the issuing of the First Commission under this Act; and if during Twenty-eight Days after Notice from the Commissioners to the Owner or Occupier in any of the Cases aforesaid to do such Works as aforesaid such Notice shall not be complied with, or the Works shall not be, after their Commencement, carried on and completed with all reasonable Despatch, it shall be lawful for the Commissioners to construct such Works; and the Expenses incurred by them in

no House to be built or rebuilt without proper Drains.

If Houses built before passing of this Act are not properly drained, Commissioners may order the same to be done.

Works, &c. to be done by Commissioners, and Regulations for improved Drainage.

Notices of building Houses pursuant to 7 & 8 Vict. c. 84. to be sent by Surveyors to Commissioners under this Act;

such Surveyors to give Information to Commissioners, of Drains, &c. not conformable to this Act.

Houses not to be built without proper Water-closets, &c.

All Houses built before or after issuing First Commission under this Act to be provided with Water-closets, &c.

such Construction shall be ascertained by the Decree of the Commissioners, and shall be paid by an Improvement Rate upon the Premises, or shall be paid as Charges for Default, as the Commissioners shall by their Decree direct; and the Commissioners may levy the Amount of such Contribution as aforesaid by Distress and Sale of the Goods and Chattels either of the Owner or of the then present or future Occupier of the Premises.

XLVII. And be it enacted, That Returns of all Notices of building or rebuilding Houses and Buildings in Places within the Limits of the Commission which shall be given pursuant to an Act passed in the Seventh and Eighth Years of Her present Majesty, intituled *An Act for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood*, shall be transmitted by the Surveyors who shall receive the same to the Commissioners at such Periods and in such Form as the Commissioners may direct; and it shall be the Duty of the Surveyors under the last-mentioned Act to give Information to the Commissioners of any Drain or Work which shall not be conformable with the Directions of this Act, and of the Omission or Neglect to make or do any Drain or Work which ought to be made or done according to the Directions of this Act, and, in case the Commissioners shall so direct, to act in relation to such Drain or Work in the same Manner as in the Case of any Work or other Thing done contrary to the Rules or Directions of the said Act of the Seventh and Eighth Years of Her present Majesty; and all the Provisions with regard to Drains, Sewers, and Cesspools contained in the last-mentioned Act, so far as the same are inconsistent with the Provisions of this Act, shall be repealed from and after the issuing of the First Commission under this Act.

XLVIII. And be it enacted, That after the issuing of the First Commission under this Act it shall not be lawful newly to erect any House, or to rebuild any House pulled down to the Extent aforesaid, without a sufficient Water-closet or Privy and an Ashpit furnished with proper Doors and Coverings; and whosoever shall offend against this Enactment shall be liable to a Penalty not exceeding Twenty Pounds; and if at any Time, upon the Report of their Surveyor, it shall appear to the Commissioners that any House, whether built before or after the issuing of the First Commission under this Act, is without a sufficient Water-closet or Privy and an Ashpit furnished with proper Doors and Coverings, the Commissioners shall give Notice in Writing to the Owner or Occupier of such House, requiring him forthwith, or within such reasonable Time as shall be specified in such Notice, to provide a sufficient Water-closet or Privy and an Ashpit so furnished as aforesaid, or either of them, as the Case may require; and if such Notice be not complied with it shall be lawful for the Commissioners to cause to be constructed a sufficient Water-closet or Privy and an Ashpit, or either of them, or do such other Works as the Case may require; and the Expenses incurred by them in so doing shall be ascertained by the Decree of the Commissioners, and shall

shall be paid by an Improvement Rate upon the Premises, or shall be paid as Charges for Default, as the Commissioners shall by their Decree direct: Provided always, that where a Water-closet or Privy has been and is used in common by the Inmates of Two or more Houses, or if in the Opinion of the Commissioners a Water-closet or Privy may be so used, they need not require the same to be provided for each House.

Works, &c. to be done by Commissioners, and Regulations for improved Drainage.

XLIX. And be it enacted, That the Commissioners shall provide that all Drains whatsoever, and the Water-closets, Privies, Cesspools, and Ashpits within the Limits of the Commission, are constructed and kept so as not to be a Nuisance or injurious to Health; and it shall be lawful for the Surveyor, by written Authority of the Commissioners, (who are hereby empowered to grant such Authority, upon the written Application of any Person, stating therein the Name and Place of Abode of the Applicant, and showing that the Drain, Water-closet, Privy, Cesspool, or Ashpit in respect of which Application is made is a Nuisance or injurious to Health, but not otherwise,) and after Twenty-four Hours Notice in Writing, or in case of Emergency without Notice, to the Occupier of the Premises to which such Drain, Water-closet, Privy, Cesspool, or Ashpit is attached or belongs, to enter such Premises, with or without Assistants, and cause the Ground to be opened, and examine and lay open any Drain, Water-closet, Privy, Cesspool, or Ashpit; and if the Drain, Water-closet, Privy, Cesspool, or Ashpit in respect of which such Examination is made be found to be in proper Order and Condition, he shall cause the Ground to be closed, and any Damage done to be made good as soon as can be, and the Expenses of the Works shall be defrayed by the Commissioners; but if upon such Examination such Drain, Water-closet, Privy, Cesspool, or Ashpit appear to be in bad Order and Condition, or to require Cleansing, Alteration, or Amendment, or to be filled up, the Commissioners shall cause Notice in Writing to be given to the Owner or Occupier of the Premises upon or in respect of which the Examination was made, requiring him forthwith, or within such reasonable Time as shall be specified in such Notice, to do the necessary Works; and if such Notice be not complied with by the Person to whom it is given the Commissioners may, if they shall think fit, execute such Works; and the Expenses incurred by them in so doing shall be ascertained by the Decree of the Commissioners, and shall be paid by an Improvement Rate upon the Premises, or shall be paid as Charges for Default, as the Commissioners shall by their Decree direct.

Drains, Water-closets, &c. to be constructed so as not to be a Nuisance or injurious to Health.

L. And be it enacted, That the Commissioners shall drain, cleanse, cover, or fill up, or cause to be drained, cleansed, covered, or filled up, all Ponds, Pools, open Ditches, Sewers, Drains, and Places containing or used for the Collection of any Drainage, Filth, Water, Matter, or Thing of an offensive Nature, or likely to be prejudicial to Health; and they shall cause written Notice to be given to the Person causing any such Nuisance, or to the Owner or Occupier of any Premises whereon the

Commissioners to cause offensive Ditches, Drains, &c. to be cleansed or covered by Owners or Occupiers, and to give them Notice of the same.

Works, &c. to be done by Commissioners, and Regulations for improved Drainage.

If Persons, after receiving Notice, fail to comply, Commissioners may execute the same, and charge the Expenses, &c.

Where Works done in pursuance of this Act shall interfere with any ancient Mill, &c., Compensation to be made, or Rights therein purchased.

Power to Commissioners to order Streets, &c. to be cleansed for Preservation of Health, and to lay on Water Pipes, &c. within their Limits.

the same shall exist, requiring him, within a Time to be specified in such Notice, to drain, cleanse, cover, or fill up any such Pond, Pool, Ditch, Sewer, Drain, or Place, or to construct a proper Sewer or Drain for the Discharge of such Drainage, Filth, Water, Matter, or Thing, as the Case may require; and if the Person to whom such Notice is given fail to comply therewith, the Commissioners shall execute the Works mentioned or referred to therein; and the Expenses incurred by them in so doing shall be ascertained by the Decree of the Commissioners, and shall be paid by an Improvement Rate upon the Premises, or shall be paid as Charges for Default, as the Commissioners shall by their Decree direct: Provided always, that it shall be lawful for the Commissioners, where they shall think it reasonable, to order that the whole or a Portion of the Expenses incurred in respect of any such last-mentioned Works be defrayed out of the District Sewers Rate to be levied under this Act, and in case of any such Order the whole or such Portion of the Expenses as may be mentioned therein shall be defrayed and levied accordingly: Provided also, that where the Commissioners shall propose to direct by their Decree that the whole or any Portion of such last-mentioned Expenses shall be paid by an Improvement Rate or as Charges for Default, Notice of such proposed Decree shall be given to the Owner or Occupier of the Premises One Month before such Decree shall be made; and where within such One Month after such Notice any such Owner or Occupier shall serve Notice on the Commissioners of his Desire that the Matter be settled by Arbitration, the Question whether all or any or what Portion of such Expenses shall be so paid shall be settled by Arbitration under the Provisions herein-after contained: Provided also, that where any Work by the Commissioners done or required to be done in pursuance of the Provisions of this Act shall interfere with or prejudicially affect any ancient Mill, or any Right connected therewith, or other Right to the Use of Water, full Compensation shall be made to all Persons sustaining Damage thereby in manner herein provided concerning Compensation to Persons sustaining Damage by reason of the Exercise of any of the Powers of this Act; or it shall be lawful for the Commissioners, if they shall think fit, to contract for the Purchase of such Mill, or any such Right connected therewith, or other Right to the Use of Water; and the Provisions of this Act with respect to the Purchases by the Commissioners herein-after authorized shall be applicable to every such Purchase as aforesaid.

LI. And be it enacted, That when and so often as it shall appear to the Commissioners that any Street, or any common Stairs, or Passage or other Place common to the Inhabitants of several Tenements situate within the Limits of the Commission, shall not be sufficiently cleansed, or that the Refuse therefrom shall not be removed so effectually or completely or so often as the Commissioners shall deem necessary for the Preservation of the public Health, Decency, or Comfort, the Commissioners shall cause such Street, Stairs, Passage, or Place, and also the Walls of

of any Houses therein, where there shall be an Accumulation of Filth or Dirt, to be effectually cleansed, and the Refuse to be removed, as they shall think fit; and for effecting the Purpose of this Provision the Commissioners may lay on Water Pipes or place Plugs and Standcocks in any Streets or public or common Places within the Limits of their Commission: Provided always, that where there shall be any Paving Commissioners, or other Persons having under any Local Act of Parliament Authority to cleanse such Street, Stairs, Passage, or Place, and to remove such Refuse, and such Commissioners or Persons shall take Order for the effectual cleansing of such Street, Stairs, Passage, or Place, and the removing the Refuse therefrom, at such Periods and in such Manner as shall be satisfactory to the Metropolitan Commissioners of Sewers, such last-mentioned Commissioners shall, while the same shall be so effectually cleansed and removed respectively, permit the Duty of cleansing and removing the same respectively to be resumed or discharged by such Paving Commissioners or Persons as aforesaid, without Prejudice to the Right of the Metropolitan Commissioners of Sewers to resume the Exercise of their Powers under this Provision, upon any subsequent Default or Neglect.

Works, &c. to be done by Commissioners, and Regulations for improved Drainage.

LII. And be it enacted, That it shall be lawful for the Commissioners, where they shall think fit, to cause the Ditches at the Sides of or across public Roads and Byeways and public Footways to be filled up, and to substitute Pipe Drains alongside or across such Roads and Ways, with appropriate Shoots and Means of conveying Water from such Roads and Ways thereinto, and from Time to Time to repair and amend the same; and the Surface of Land gained by filling up such Ditches may, if the Commissioners shall so think fit and direct, be thrown into such Roads and Ways, and be repairable as Part thereof, and be under the Control of the Surveyors of the Highways, or other Person in charge of such Roads, Byeways, or Footways.

Power to Commissioners to fill up Ditches by the Side of Roads, and substitute Pipes.

LIII. And be it enacted, That it shall be lawful for the Commissioners to provide and maintain Water-closets, Privies, and like Conveniences, in Situations where they shall deem such Accommodation to be required, and to defray the Expense thereof, and any Damage occasioned to any Person by the Erection thereof, and the Expense of keeping the same in good Order, out of the District Sewers Rate.

Power to Commissioners to provide public Water-closets, &c.

LIV. And be it enacted, That no Building shall be erected in, over, or under any Sewer vested in the Commissioners, without the Consent of the Commissioners first obtained in Writing, and that all Vaults and Cellars adjoining their Sewers shall be substantially made, and so as not to interfere or communicate with any such Sewers; and if any Building, Vault, or Cellar be erected or made contrary to the Provisions herein contained, the Commissioners may demolish or fill up the same, and the Expenses incurred thereby shall be paid by the Person erecting such Building or making such Vault or Cellar, and shall be recoverable as Charges for Default; and that any Person, not being authorized for that Purpose by the Commissioners,

Protection of Drainage Works.

No Buildings to be made in or over Sewers, without Consent.

Cellars, &c. not to interfere with Sewers.

Penalty on constructing Drains without Authority.

**Protection of
Drainage Works.**

Penalty on
throwing hard
Rubbish, &c.
into Sewers.

Exclusive Con-
trol of Gulley
Shoots, &c.
vested in Com-
missioners.

No Openings to
be made into
Sewers without
Consent of
Commissioners.

Notice to be
given to Com-
missioners of
laying and re-
laying Streets.

Commissioners
may prevent
Admission of
Street Sweep-
ings into their
Sewers.

Commissioners
may execute
Works of Drain-
age at Expense
of Owners.

sioners, who shall make any Drain or Opening into any of their Sewers, shall, on Presentment by the Surveyor, forfeit to them a Sum not exceeding Five Pounds for each Drain or Opening; and the Commissioners may cause such Drain or Opening to be removed, stopped up, or re-made, as they may think fit; and all the Expenses incurred thereby shall be paid by the Person making such Drain or Opening, and shall be recoverable from him as Charges for Default; and that any Person who shall lay or throw in or into any Sewer of the Commissioners any Cinders, Bricks, Stones, or solid Rubbish, shall, on such Presentment, forfeit to the Commissioners a Sum not exceeding Forty Shillings for every such Offence.

LV. And be it enacted, That the exclusive Control of all Gulley Shoots, Grates, and Openings in any Street or Road, not being within the City of *London* or the Liberties thereof, communicating, directly or indirectly, with the Sewers vested in the Commissioners, by whomsoever the same Shoots, Grates, and Openings may have been made, or may be maintained or managed, shall belong to and the same are from and after the issuing of the First Commission under this Act vested in the Commissioners; and all Powers given by any Public or Local Act or Acts to any Trustees or Commissioners of Paving or Cleansing, or other Bodies or Persons, to make or place in Streets or Roads under their Jurisdiction Shoots, Grates, Openings, or Communications into or with such Sewers, without the Consent of the Commissioners of Sewers, shall be and are hereby repealed.

LVI. And be it enacted, That before beginning to lay the Pavement or hard Surface of any new Street, or to relay the Pavement or hard Surface of any existing Street, the Officers or Persons authorized or intending so to do shall give to the Commissioners Fourteen Days Notice thereof in Writing, accompanied by a Plan, showing by reference to some Datum Line established by the Commissioners the proposed Level and Surface Inclination of such Street, and the Nature of Pavement or hard Surface proposed to be made or laid therein; and the Commissioners, within Seven Days after receiving such Notice, may specify, by Notice in Writing given to such Officers or Persons, any and what Alterations in the proposed Level, Inclination, or Material they think requisite to be made to ensure the due Drainage and cleansing of such Street, and such Officers or Persons as aforesaid shall make such Alterations accordingly; and it shall be lawful for the Commissioners to prevent the Admission into their Sewers of the Surface Drainage of Streets or Roads, where such Streets or Roads are badly paved, or where the Paving or the Surface Inclinations thereof are such as to accumulate Deposit and discharge the same into the Sewers in such Quantities as to occasion Obstructions therein.

LVII. And be it enacted, That it shall be lawful for the Commissioners by Agreement with and at the Expense of the Owners or Occupiers of any Lands or Premises within the Limits of their Commission, to execute any Drainage Works on such Lands or Premises

Premises which such Owners or Occupiers may be desirous to have so executed thereon.

*Protection of
Drainage Works.*

LVIII. And be it enacted, That, subject and without Prejudice to the Rights saved under this Act, it shall be lawful for the Commissioners to sell and dispose of, as they shall think fit, the Sewage and Refuse from their Sewers, and the Drainage, Refuse, or Rubbish arising from any Work, or collected and removed in the course of any Work or Operation which the Commissioners shall execute, do, or perform under this Act, and to apply the Money arising from such Sale and Disposition to the general Expenses of the Commission, or such of the Expenses to be incurred by them under this Act as they shall think fit.

Commissioners may dispose of Refuse of Sewers, and apply Money to Purposes of Act.

LIX. And be it enacted, That where under this Act the Commissioners are authorized to do or direct to be done any Work, or to remove or repair, or direct to be removed or repaired, any Nuisance or Default, it shall be lawful for the Commissioners to exercise and put in force all the Powers of this Act in relation to the Premises, upon the Information or Presentment of their Surveyor, without any other Presentment in relation thereto.

*Procedure
before Execution
of Works, &c.*

Commissioners may proceed on Information of their Surveyor.

LX. And be it enacted, That, Fourteen Days at the least before commencing any Works the Expense of which under this Act might be defrayed wholly or in part by a Special Sewers Rate, the Commissioners shall cause to be made Plans and Sections of the intended Works, and shall give public Notice thereof, or special Notice to the Owners or Occupiers of the Lands or Tenements on which such Special Sewers Rate may be made, of such Works, and of the Place where such Plans and Sections may be seen; and in case within such Fourteen Days any Person interested in such Lands or Tenements shall give Notice to the Commissioners of any Objection to such Works, the Commissioners shall appoint a Time and Place to consider the Objections to the intended Works, and the Commissioners, attended by their Surveyor, shall meet at the Time and Place specified in such Notice, to consider any Objections to the intended Works; and all Persons interested therein shall be entitled to be then and there heard by themselves, or their Agents, before the Commissioners; and thereupon the Commissioners may, subject to the other Provisions of this Act, execute, abandon, or make such Alterations in the said intended Works as they may think fit.

Notice to be given before commencing Works chargeable to Special Rates.

Persons object-
ing to Works to
give Notice to
Commissioners,
who shall ap-
point a Time to
hear the same.

LXI. Provided always, and be it enacted, That the Commissioners may undertake any Work of any Description without any Notice or other Proceeding herein-before required, where, from Flood, Storm, or other urgent Cause, the Commissioners shall deem it necessary that the Delay occasioned by such Proceedings should be avoided.

Works of urgent
Necessity may
be proceeded
with without
Notice.

LXII. And be it enacted, That where it shall be necessary for the Purpose of making such general Survey as herein-before mentioned, or making any Survey or Examination of or preparatory to any Work of Sewers, or for the Purpose of viewing the
Sewers

*Powers of Entry
&c. for Execution
of Works.*

Power to enter
on Lands for
Purposes of the
Act.

*Powers of
Entry, &c. for
Execution of
Works.*
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Sewers or Drains within the Limits of the Commission, or making or repairing or cleansing any Sewer or Works, and otherwise for the Purpose of carrying into execution the Powers intrusted to the Commissioners, it shall be lawful for the Surveyor, or any other Persons authorized by the Commissioners, at reasonable Times in the Daytime, to enter, examine, and lay open any Lands or Premises : Provided always, that, except in Cases of Emergency, no Entry shall be made or Works commenced, under the Powers of this Enactment, unless, Twenty-four Hours at the least previously thereto, Notice of the intended Entry and of the Object thereof be given to the Occupier of the Premises intended to be entered; and that Compensation be made for any Damage occasioned by such Entry and Works as aforesaid to all Persons other than the Owners and Occupiers of any Land or Building in respect of which any private Drain or Sewer, or the State of Drainage, shall be inspected, cleansed, or repaired, and the Owners or Occupiers of any Premises where any Nuisance may exist, and the Person who may have caused such Nuisance.

*Power to stop
up Streets dur-
ing Progress of
Works, and to
alter Position
of Pipes.*

LXIII. And be it enacted, That from Time to Time when and as it shall be found necessary for the Execution of Works and Operations under this Act, it shall be lawful for the Commissioners to dig into, open, or break up the Roadway or Pavement of any Street, and to stop up any Street, and prevent Persons from passing along and using the same, for a reasonable Time, before and during the Construction, Alteration, Repair, or Demolition of any Sewer or Drain, or the laying or placing of any Pipe, Plug, Cock, or Stand-pipe in or under such Street, and to use any Street, or any Part thereof, for the Purpose of depositing Materials, Implements, or Things in or about such Works, or in or about the cleansing of Sewers, Cesspools, or Privies, or executing the Purposes of this Act, the Commissioners doing as little Damage and causing as little Obstruction as may be, and making good all Damage to the Roadway and Pavement occasioned by the Exercise of the Powers aforesaid : Provided always, that all Openings and Excavations which the Commissioners may cause to be made in any Street for the Purposes of this Act shall, during the Progress of their Works therein, be effectually secured and fenced to prevent Accidents, and that the Roadway or Pavement taken up shall be by the Commissioners, at their Expense, reinstated and replaced in as good Condition as the same was before the Street was so opened or excavated, and as expeditiously as Circumstances will admit of; and in default thereof the Surveyor, Officer, or Contractor of the Commissioners employed on such Work shall forfeit to the Trustees or Commissioners having the Care of such Roadway or Pavement any Sum not exceeding Forty Shillings nor less than Ten Shillings for every Day that such Opening or Excavation shall not be properly secured, or such Roadway and Pavement not properly reinstated.

*Openings in
Streets to be
secured, and
afterwards to be
reinstated by
Commissioners.*

*Penalty on
Contractor, &c.
for Neglect.*

*Power to Com-
missioners to re-
quire Situation*

LXIV. And be it enacted, That if and when for the Purposes of this Act the Commissioners deem it necessary to raise,
sink,

sink, or otherwise alter the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks laid in or under any Street, they may by Notice in Writing require the Person to whom the Pipes, Mains, Plugs, or Works belong, to raise, sink, or otherwise alter the Situation of the same in such Manner and within such reasonable Time as shall be specified in such Notice; and the Expenses attendant upon or connected with any such Alteration, where the same shall be required for the Purpose of repairing or altering any Sewer which was made before such Pipes, Mains, or Plugs were laid, shall be paid by the Person to whom the Pipes, Mains, or Plugs belong, and in all other Cases shall be paid by the said Commissioners out of Rates levied under this Act; and if such Notice be not complied with the said Commissioners may make the Alteration required: Provided always, that no such Alteration shall be required or made which will permanently injure any such Pipes, Mains, Plugs, or Works, or prevent the Water or Gas from flowing as freely and conveniently as usual; provided also, that where under any Local Act of Parliament the Expenses attendant upon or connected with the raising, sinking, or otherwise altering the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks, are or shall be directed to be borne by the Person to whom such Pipes or Works belong, his Liability in that respect shall continue in the same Manner and under the same Conditions in all respects as if this Act had not been passed.

of Gas and
Water Pipes
to be altered.

No Alteration
to be required
that will injure
Pipes.

LXV. And be it enacted, That the Commissioners may enter into all such Contracts as they may think necessary for carrying this Act into execution; and every such Contract for Works or Materials whereof the Value or Amount shall exceed Ten Pounds shall be in Writing or Print, or partly in Writing and partly in Print, sealed with the Seal of the Commissioners; and every Contract so entered into, and duly executed by the other Parties thereto, shall be binding on the Commissioners and their Successors, and upon all other Parties thereto: Provided always, that it shall be lawful for the Commissioners to compound with any Contractor or other Person in respect of any Penalty incurred by reason of the Nonperformance of any Contract entered into as aforesaid, whether such Penalty be mentioned in any such Contract or in any Bond or otherwise, for such Sum of Money or other Recompense as to the Commissioners may seem proper: Provided also, that before contracting for the Execution of any Works of the Value or Amount of Two hundred Pounds or upwards the Commissioners shall obtain from their Surveyor an Estimate in Writing, as well of the probable Expense of executing the Work in a substantial Manner as of the annual Expense of repairing the same, also a Report as to the most advantageous Mode of contracting, that is to say, whether by contracting only for the Execution of the Work, or for executing and also maintaining the same in repair during a Term of Years, or otherwise.

Contracts.

Power to Commissioners to enter into Contracts for carrying Act into execution.

Power to compound for Penalties in respect of Breach of Contracts.

Estimates to be prepared before commencing Works of the Value of 200*l*.

LXVI. And

*Power to
purchase Lands,
&c. and
contract for
Supply of Water.*

*Power to Com-
missioners to
purchase Lands,
&c. for the
Purposes of this
Act;*

*and to contract
with any Com-
pany for Supply
of Water.*

*Certain Pro-
visions of
8 & 9 Vict. c. 18.
incorporated
with this Act.*

LXVI. And be it enacted, That it shall be lawful for the Commissioners to purchase by Agreement, or to take on Lease for such Term as they may think fit, any Land which may be necessary for the Formation or Protection of any Works which the Commissioners are authorized to execute under this Act, also any Offices and other Buildings, Yards, Stations, or Places for Deposit of Refuse Materials and Things, or any Land for the Erection and Formation of such Offices and other Buildings, Yards, Stations, or Places for Deposit; and also to contract for the Purchase, Removal, or Abatement of any Mill-dam, Pound, Weir, Bank, Wall, Lock, or other Obstruction to the Flow of Water, whereby Sewerage or Drainage is interrupted or impeded, and for the Purchase of any Land, or any Right or Easement in or over any Land, which it may be necessary or expedient to purchase, to prevent the Obstruction of Sewerage or Drainage within the Limits of the Commission; and also to purchase by Agreement or take on Lease as aforesaid the whole or any Part of any Streams or Springs of Water, or any Rights therein, which it shall appear to the Commissioners necessary to acquire and use for the Purposes of cleansing Sewers and Drains, and the other Purposes of the Commission, or any Land which it shall be deemed advisable by the Commissioners to purchase or take on Lease for the Purpose of drawing or obtaining Water from Springs, or by sinking of Wells, and for making and providing Reservoirs, Tanks, Aqueducts, Watercourses, and other Works, or for any other Purpose connected with the Works for obtaining such Supply of Water as aforesaid; and also to contract with any Company or Person for the Supply to the Commissioners of Water for the Purposes aforesaid provided always, that nothing herein contained shall authorize the said Commissioners to supply Water to any Parties for domestic, manufacturing, or commercial Purposes; and also to purchase and procure, erect and work, Kilns, Ovens, and Machinery, and to make and manufacture Pipes, Traps, and other Apparatus or Things requisite for any Works which the Commissioners are authorized to execute.

LXVII. And be it enacted, That "The Lands Clauses Consolidation Act, 1845," except the Provisions of that Act "with respect to the Purchase and taking of Lands otherwise than by Agreement," "with respect to the Recovery of Forfeitures, Penalties, and Costs," "with respect to Lands acquired by the Promoters of the Undertaking under the Provisions of the 'Lands Clauses Consolidation Act, 1845,' or the special Act, or any Act incorporated therewith, but which shall not be required for the Purposes thereof," and "with respect to the Provision to be made for affording Access to the special Act by all Parties interested," and except the Clauses numbered respectively 134 and 135 in the Copies of that Act printed by Her Majesty's Printers, shall, so far as respects such Purchases by the Commissioners as aforesaid, be incorporated with this Act; and for the Purposes of this Act the Expression "the Promoters of the Under-

Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the Metropolitan Commissioners of Sewers.

LXVIII. And be it enacted, That it shall be lawful for the Commissioners to sell and dispose of any Lands or other Property vested in them by virtue of this Act, or acquired by them under the Powers herein contained, or any Part thereof, which it may appear to the Commissioners may be properly sold or disposed of; and for completing and carrying any such Sale of Lands into effect the Commissioners may make and execute a Conveyance of the Lands sold and disposed of as aforesaid unto the Purchaser, or as he shall direct; and such Conveyance shall be under the Hands of Six of the Commissioners, and under the Seal of the Commissioners; and the Word "grant" in such Conveyance shall have the same Operation as by the said Lands Clauses Consolidation Act, 1845, is given to the same Word in a Conveyance of Lands made by the Promoters of the Undertaking; and a Receipt under the Hands of Six of the Commissioners shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and the Money to arise from such Sale shall be applied to such of the Purposes of this Act as the Commissioners shall think fit.

Power to Commissioners to sell Lands, &c. not wanted.

LXIX. And be it enacted, That full Compensation shall be made out of such Rates to be levied under this Act as the Commissioners shall by their Decree direct to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to Amount the same shall be settled by Arbitration in the Manner provided by this Act; or, if the Compensation claimed do not exceed the Sum of Twenty Pounds, the same may be ascertained by and recovered before Justices in a summary Manner.

Compensation to Parties damaged by Exercise of Powers.

Compensation for Damages sustained.

Disputes to be settled by Arbitration.

LXX. And be it enacted, That in case of Dispute as to the Amount of any Compensation to be made under the Provisions of this Act (except where the Mode of determining the same is specially provided for), and in case of any Matter which by this Act is authorized or directed to be settled by Arbitration, then, unless both Parties concur in the Appointment of a single Arbitrator, each Party, on the Request of the other, shall appoint an Arbitrator, to whom the Matter shall be referred; and every such Appointment, when made on the Behalf of the Commissioners, shall be under their Seal, and on the Behalf of any other Party under his Hand, or if such Party be a Corporation Aggregate under the Common Seal thereof; and such Appointment shall be delivered to the Arbitrators, and shall be deemed a Submission to Arbitration by the Parties making the same; and after the making of any such Appointment the same shall not be revoked without the Consent of both Parties, nor shall the Death of either Party, nor the Determination of the Commission, operate as a Revocation; and if for the Space of Fourteen Days after any such Matter shall have arisen, and Notice in Writing by one Party who has duly appointed an Arbitrator

Arbitration.

Mode of referring to Arbitration.

Arbitration.

to the other Party, stating the Matter to be referred, and accompanied by a Copy of such Appointment, the Party to whom Notice is given fail to appoint an Arbitrator, the Arbitrator appointed by the Party giving the Notice shall be deemed to be appointed by and shall act on behalf of both Parties; and the Award of any Arbitrator or Arbitrators appointed in pursuance of this Act shall be binding, final, and conclusive upon all Persons, and to all Intents and Purposes whatever.

Provision in
case of Death,
&c. of any of the
Arbitrators.

LXXI. And be it enacted, That if, before the Determination of any Matter so referred, any Arbitrator die or refuse or become incapable to act, the Party by whom such Arbitrator was appointed may appoint in Writing another Person in his Stead; and if he fail so to do for the Space of Seven Days after Notice in Writing from the other Party in that Behalf, the remaining Arbitrator may proceed *ex parte*; and every Arbitrator so appointed shall have the same Powers and Authorities as were vested in the Arbitrator in whose Stead the Appointment is made; and in case a single Arbitrator die, or refuse or become incapable to act, before the making of his Award, or fail to make his Award within Twenty-one Days after his Appointment, or within such extended Time, if any, as shall have been duly appointed by him for that Purpose, the Matters referred to him shall be again referred to Arbitration under the Provisions of this Act, as if no former Reference had been made.

Appointment
of Umpire.

LXXII. And be it enacted, That in case there be more than One Arbitrator, the Arbitrators shall, before they enter upon the Reference, appoint, by Writing under their Hands, an Umpire; and if the Person appointed die, or refuse or become incapable to act, the Arbitrators shall forthwith appoint another Person in his Stead; and in case the Arbitrators neglect or refuse to appoint an Umpire for Seven Days after being requested so to do by any Party to the Arbitration, the Court of General or Quarter Sessions shall, on the Application of any such Party, appoint an Umpire; and the Award of the Umpire shall be binding, final, and conclusive upon all Persons, and to all Intents and Purposes whatsoever; and in case the Arbitrators fail to make their Award within Twenty-one Days after the Day on which the last of them was appointed, or within such extended Time, if any, as shall have been duly appointed by them for that Purpose, the Matters referred shall be determined by the Umpire; and the Provisions of this Act with respect to the Time for making an Award, and with respect to extending the same, in the Case of a single Arbitrator, shall apply to an Umpirage.

Time within
which Award
must be made.

LXXIII. Provided always, and be it enacted, That the Time for making an Award under this Act shall not be extended beyond the Period of Three Months from the Date of the Submission, or from the Day on which the Umpire shall have been appointed (as the Case may be).

Arbitrators may
require the Pro-
duction of Do-

LXXIV. And be it enacted, That the Arbitrator, Arbitrators, or Umpire appointed by virtue of this Act may require the

the Production of such Documents in the Possession or Power of either Party as they or he may think necessary for determining the Matters referred, and may examine the Parties or their Witnesses on Oath; and the Costs of and consequent upon the Reference shall be in the Discretion of the Arbitrator or Arbitrators or of the Umpire (in case the Matters referred are determined by an Umpire under the Power herein-before contained in that Behalf); and any Submission to Arbitration under the Provisions of this Act may be made a Rule of any of the Superior Courts, on the Application of any Party thereto.

cuments, &c. and may examine Witnesses, and determine Costs.

Submission to Arbitration may be made Rule of Court.

LXXV. And be it enacted, That before any Arbitrator or Umpire shall enter upon any such Reference as aforesaid he shall make and subscribe the following Declaration before a Justice of the Peace; (that is to say,)

Declaration to be made by Arbitrator and Umpire.

‘ I *A.B.* do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me under the Provisions of the Act passed in the _____ Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*].

A.B.’

And such Declaration shall be annexed to the Award, when made; and if any Arbitrator or Umpire shall wilfully act contrary to such Declaration he shall be guilty of a Misdemeanor.

LXXVI. And be it enacted, That it shall be lawful for the Commissioners, from Time to Time as Occasion shall require, to levy and raise on each separate Sewerage District within the Limits of the Commission a separate Rate, to be called “The District Sewers Rate,” in respect of such Portion as in the Judgment of the Commissioners should be borne by such separate Sewerage District of the Expenses of repairing, cleansing, and maintaining in effective Action the Sewers already made and completed, and which from Time to Time shall be made and completed within the Limits of the Commission, and the Payments to and general Expenses of the Commissioners and their Officers and Servants, and the Expense of making and completing the said Map and Survey, and such other Expenses authorized by this Act as shall in the Opinion of the Commissioners be incurred for or on account of or enure to the common Benefit of all the Sewerage Districts, or shall not be defrayed out of any other Rate or Rates hereby authorized to be made, and in respect of any Expenses or Portion of Expenses of making, or of enlarging, contracting, or otherwise improving or altering, discontinuing, closing, or destroying, any Sewer, or of any other Works of a permanent Nature, where such Expenses, or Portion of Expenses, in the Judgment of the Commissioners, shall be incurred for the special Benefit of such separate Sewerage District, or ought to be charged thereon under this Act, and also in respect of any Mortgages or other Debts or Liabilities which would have been paid or answered out of Rates raised in such District in case this Act had not been passed; and such District Sewers Rate shall in each Case

Rates.

Power to Commissioners to levy a District Sewers Rate for apportioned Part of general Expenses of the Commission, and for the Expenses special to the District.

Rates.

Maximum of
District Sewers
Rate.

Existing Ex-
emptions to be
allowed.

District Rates
to be prospec-
tive for future
Expenses, or
retrospective
for Expenses
already incur-
red.

As to the Pay-
ment of Ex-
penses for per-
manent Works.

Commissioners
may impose
District Rate in
gross on Pa-
rishes, or assess
Occupiers sepa-
rately.

Tenant not
liable to Sewers
Rate to be re-
paid District
Rate by Land-
lord.

be levied on the Persons and in respect of the Property within such District by Law rateable to the Relief of the Poor, or shall be raised by Precepts in manner herein-after provided: Provided always, that the District Sewers Rate shall not exceed in any One Year the Sum of One Shilling in the Pound of the net annual Value of the Property rateable thereto, such Value being ascertained as herein mentioned: Provided also, that where in any separate Sewerage District any Property is by Law or by the Practice of the existing Commissions or Commissioners of Sewers entitled to Exemption, wholly or partially, from, or to any Reduction or Allowance in respect of the Sewers Rate, the Commissioners shall in making the District Sewers Rate observe and allow such Exemption, Reduction, or Allowance.

LXXVII. And be it enacted, That every District Sewers Rate to be made under this Act shall be made for or in respect of a specified Period, not exceeding One Year; and every such Rate may be made prospectively, in order to raise Money for the Payment of future Expenses, or retrospectively, in order to raise Money for the Payment of Expenses already incurred; provided that as respects all Expenses (other than the Expenses of executing permanent Works, the Expense of making and completing the said Map and Survey, and such other Expenses as herein-after mentioned,) the Commissioners shall cause the same to be defrayed by Rates made prospectively, or by Rates made not more than One Year after such Expenses shall have been incurred; but as respects the Expenses of executing permanent Works, and the Expenses of making and completing the said Map and Survey, and any other Expenses for Purposes of permanent or durable Benefit, it shall be lawful for the Commissioners from Time to Time to raise by Rates such Sums as in their Judgment will be sufficient to discharge the Amount of such Expenses, or the Money borrowed in respect thereof, under the Powers herein-after contained, with the Interest and incidental Charges in respect thereof, within such Period, not exceeding Thirty Years, as the Commissioners, having regard to the Nature or Durability of such Works or Benefit, shall in each Case determine.

LXXVIII. And be it enacted, That it shall be lawful for the Commissioners either to impose the District Sewers Rate in gross upon Parishes or Places in whole or in part within the Areas rateable thereto respectively, and wherein any Poor Rate or other equal Pound Rate is collected, or to assess, levy, and collect such Rates upon and from the Occupiers of the Property rateable, as they from Time to Time shall think proper.

LXXIX. Provided always, and be it enacted, That as between Landlord and Tenant, every Tenant, whether his Tenancy shall have commenced before or after the passing of this Act, and who if this Act had not been passed would have been entitled to deduct against or to be repaid by his Landlord any Sum paid by such Tenant on account of the Sewers Rate, shall in like
Manner

Manner be entitled to deduct against or to be repaid by his Landlord any Sum which shall be paid by him on account of a District Sewers Rate under this Act.

Rates.
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LXXX. And be it enacted, That the District Sewers Rate, where the same shall not be imposed in gross on Parishes or Places, shall be assessed upon the net annual Value of the Property rateable thereto ascertained by the Rate (if any) for the Relief of the Poor made next before the making of the respective Assessments under this Act: Provided always, that if in any District or Part of a District there be no Rate for the Relief of the Poor, the said District Sewers Rate shall be made upon an Estimate of the net annual Value of the several Premises liable thereto in such District or Part of a District, by a fit Person appointed by the Commissioners in that Behalf; and such Estimate shall be made, as near as Circumstances will permit, in the Manner prescribed in an Act passed in the Seventh Year of King William the Fourth, intituled *An Act to regulate Parochial Assessments*, or any other Act for the Time being in force for regulating Parochial Assessments.

As to District Rate where not imposed in gross.

Where no Poor Rate, Estimate to be made in Manner prescribed by 6 & 7 W. 4. c. 96.

LXXXI. And be it enacted, That when in the Judgment of the Commissioners the Expenses of making, or of enlarging or otherwise improving or altering, any Sewer, shall be incurred in whole or in part for the special Benefit or Drainage of any Street or Place, Lands or Tenements, not co-extensive with any separate Sewerage District, it shall be lawful for the Commissioners from Time to Time to levy on the Occupiers of the Lands or Tenements in such Street or Place, or of the Lands or Tenements so specially benefited, a Rate to be called "A Special Sewers Rate," such Special Sewers Rate to be in each Case of such Amount as in the Judgment of the Commissioners will be sufficient to discharge the Amount of such Expenses, or such Portion thereof as ought in the Judgment of the Commissioners to be charged on such Occupiers, with Interest thereon at a Rate not exceeding Five Pounds in the Hundred, within such Period not exceeding Thirty Years as the Commissioners shall in each Case determine; and such Special Sewers Rate shall be made for or in respect of a specified Period, not exceeding One Year, and may be made prospectively, in order to raise Money for the Payment of future Expenses, or retrospectively, in order to raise Money for the Payment of Expenses already incurred, and shall be assessed and levied upon the Occupiers of such Lands or Tenements in proportion to the several Lengths of Frontage abutting on such Sewer as aforesaid, or, where all the Lands or Tenements specially benefited or drained by such Works as aforesaid shall not abut on or adjoin such Sewer, or where in any other Case an Assessment according to Frontage shall appear to the Commissioners inequitable, then in such Proportion as the Commissioners shall determine such Lands or Tenements to be benefited by such Works: Provided always, that the Special Sewers Rate shall not exceed in any One Year the Sum of Sixpence *per* Foot of Frontage of any Lands or Tenements on which the same shall be charged, except in the

Power to levy, in certain Cases, a Special Sewers Rate.

Rates.

Power to Commissioners to levy an Improvement Rate in certain Cases.

Amount of Improvement Rate and Charges for Default limited.

Commissioners to ascertain Amount of Expenses to be defrayed by the respective Rates.

Certificate of Surveyor Evidence of Expense of special Works.

Owners of unoccupied Premises to pay Special and Improvement Rates.

Case of a Square or other open wide Space in front, and in such Case the Rate shall not exceed One Shilling *per* Foot of Frontage as aforesaid.

LXXXII. And be it enacted, That whenever the Commissioners shall have incurred any Expenses which are authorized by this Act to be paid by an Improvement Rate, it shall be lawful for the Commissioners from Time to Time to levy upon the Occupier of the Premises in respect of which the Expenses have been incurred a Rate to be called "An Improvement Rate," of such Amount in each Case as in the Judgment of the Commissioners will be sufficient to discharge such Expenses, with Interest thereon at a Rate not exceeding Five Pounds in the Hundred, within such Period not exceeding Thirty Years as the Commissioners shall in each Case determine, and such Improvement Rate shall be made for or in respect of a specified Period not exceeding One Year: Provided always, that the Amount to be levied by Improvement Rates, or as Charges for Default, in respect of Works of private Benefit to any Property, shall not in any Term of Ten successive Years exceed One Year's Rack Rent of the Property on which the same shall be charged, without the written Consent of the Owner of such Property.

LXXXIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to settle and ascertain the Amount of the Expenses in respect of which the several Rates hereby authorized should be made, and to apportion as between several Rates any Expenses incurred or to be incurred under this Act, and also to apportion, as between Two or more separate Sewerage Districts, the Amount to be levied on such separate Sewerage Districts respectively in respect of any Expenses or Portion of Expenses which shall be incurred for the general Benefit of such Two or more Districts, and also to apportion, as between several Premises or the Occupiers thereof, any Expenses which are authorized by this Act to be raised by a Special Sewers Rate, or an Improvement Rate, or as Charges for Default respectively; and the Certificate in Writing under the Hand of a Surveyor of the Commissioners, stating the total Expense of any Work in respect of which any Special Sewers Rate or any Improvement Rate shall be made, or any Sum shall be decreed to be paid as Charges for Default, shall be conclusive Evidence of the Amount of such Expense.

LXXXIV. And be it enacted, That whenever any Premises in respect of which any Special Sewers Rate or Improvement Rate shall be made shall be unoccupied at the Time of the making of such Rate, or shall become unoccupied before the same shall be fully paid, such Rate shall be charged upon or shall become a Charge upon and shall be paid by the Owner of the Premises so long as the same shall continue to be unoccupied: Provided always, that it shall be lawful for the Commissioners to recover such Rate from any future Occupier of such Premises: Provided also, that every Occupier shall be entitled to deduct against or to be repaid by his Landlord the whole of any such Rate as shall be recovered as aforesaid from such Occupier, where
the

the Period for which such Rate shall have been made shall have expired before he shall have become the Occupier, and such Portion of such Rate as shall be proportioned to such Part of the Period for which such Rate shall have been made as shall have expired before he became the Occupier where the Period for which such Rate shall have been made shall not have expired before he became the Occupier.

Rates.
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LXXXV. And be it enacted, That when the net annual Value of any Premises liable to Assessment under this Act shall not exceed the Sum of Ten Pounds, or where any Premises liable to such Assessment shall be let to weekly or monthly Tenants, or in separate Apartments, and the Rents shall become payable or shall be collected at any shorter Period than quarterly, it shall be lawful for the Commissioners from Time to Time to compound with the Owner of such Premises for the Payment of the District Sewers Rates to be made under this Act, upon such reduced Estimate of the net annual Value, not being less than Two Thirds or more than Four Fifths of the net annual Value at which the Premises are then assessed, as the Commissioners shall deem to be reasonable; and any Owner who shall refuse to enter into such Composition shall be rated to and pay the District Sewers Rates assessed upon such Premises in respect of which the Composition is offered; and if at any Time the Amount of Composition, or any such Rate to which an Owner is assessed as last aforesaid, be due and unpaid, the same may be levied by Distress and Sale of the Goods and Chattels of the Owner in default, wheresoever they may be found, or of the Occupier or Occupiers of the Premises, in the same Manner as is herein provided with respect to the Recovery of Rates made under this Act: Provided always, that no such Owner shall be assessed in respect of any increased Rent which may become payable to him by reason of his so compounding for or becoming liable to any Rates as aforesaid: Provided also, that the Occupier or Occupiers of any such Premises as last aforesaid shall be liable to Distress and Sale of his or their Goods and Chattels for the Nonpayment of such Amount of Composition or Rates as may become due in respect of the Premises occupied by him or them during his or their Tenancy, but shall never be liable to pay any greater Sum than the Amount of the Rent actually due from him or them for such Premises; and he or they may deduct any Amount paid by him or them from the Rent due or from Time to Time to become due from him or them, unless there be an Agreement to the contrary; and the Receipt for the Amount paid by him or them shall to that Extent be as against the Owner in default a sufficient Discharge for Rent.

Landlord to be rated for Tenements under the annual Value of 10*l.*, &c.

LXXXVI. And be it enacted, That whenever the Name of any Owner or Occupier liable to be rated under this Act is not known to the Commissioners, it shall be sufficient to assess and designate him in the Rate as "the Owner" or "the Occupier" of the Premises in respect of which the Assessment is made, without further Description.

Description of Owner or Occupier in Rates if his Name unknown.

Rates.

Power to Commissioners to levy an Improvement Rate in certain Cases.

Amount of Improvement Rate and Charges for Default limited.

Commissioners to ascertain Amount of Expenses to be defrayed by the respective Rates.

Certificate of Surveyor Evidence of Expense of special Works.

Owners of unoccupied Premises to pay Special and Improvement Rates.

Case of a Square or other open wide Space in front, and in such Case the Rate shall not exceed One Shilling *per* Foot of Frontage as aforesaid.

LXXXII. And be it enacted, That whenever the Commissioners shall have incurred any Expenses which are authorized by this Act to be paid by an Improvement Rate, it shall be lawful for the Commissioners from Time to Time to levy upon the Occupier of the Premises in respect of which the Expenses have been incurred a Rate to be called "An Improvement Rate," of such Amount in each Case as in the Judgment of the Commissioners will be sufficient to discharge such Expenses, with Interest thereon at a Rate not exceeding Five Pounds in the Hundred, within such Period not exceeding Thirty Years as the Commissioners shall in each Case determine, and such Improvement Rate shall be made for or in respect of a specified Period not exceeding One Year: Provided always, that the Amount to be levied by Improvement Rates, or as Charges for Default, in respect of Works of private Benefit to any Property, shall not in any Term of Ten successive Years exceed One Year's Rack Rent of the Property on which the same shall be charged, without the written Consent of the Owner of such Property.

LXXXIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to settle and ascertain the Amount of the Expenses in respect of which the several Rates hereby authorized should be made, and to apportion as between several Rates any Expenses incurred or to be incurred under this Act, and also to apportion, as between Two or more separate Sewerage Districts, the Amount to be levied on such separate Sewerage Districts respectively in respect of any Expenses or Portion of Expenses which shall be incurred for the general Benefit of such Two or more Districts, and also to apportion, as between several Premises or the Occupiers thereof, any Expenses which are authorized by this Act to be raised by a Special Sewers Rate, or an Improvement Rate, or as Charges for Default respectively; and the Certificate in Writing under the Hand of a Surveyor of the Commissioners, stating the total Expense of any Work in respect of which any Special Sewers Rate or any Improvement Rate shall be made, or any Sum shall be decreed to be paid as Charges for Default, shall be conclusive Evidence of the Amount of such Expense.

LXXXIV. And be it enacted, That whenever any Premises in respect of which any Special Sewers Rate or Improvement Rate shall be made shall be unoccupied at the Time of the making of such Rate, or shall become unoccupied before the same shall be fully paid, such Rate shall be charged upon or shall become a Charge upon and shall be paid by the Owner of the Premises so long as the same shall continue to be unoccupied: Provided always, that it shall be lawful for the Commissioners to recover such Rate from any future Occupier of such Premises: Provided also, that every Occupier shall be entitled to deduct against or to be repaid by his Landlord the whole of any such Rate as shall be recovered as aforesaid from such Occupier, where
the

son to deduct from the Rent payable by him more than the whole Sum deducted from the Rent payable to him.

LXXXIX. And be it enacted, That at any Time before any Expenses in respect of which Special Sewers Rates or Improvement Rates may be made under this Act, with the Interest thereon, shall be fully paid, it shall be lawful for the Owner or Occupier of the Property rateable thereto to redeem the same by paying to the Commissioners the Expenses in respect of which such Special Sewers Rates or Improvement Rates may be imposed, or such Part thereof as shall remain unpaid after applying the Rate or Rates (if any) previously levied towards the Discharge of such Expenses, with Interest.

XC. And be it enacted, That Notice of the Intention of making every District Sewers Rate, and of the Time at which the same is intended to be made, and of the Place where the proposed Rate is deposited for Inspection, shall be given by the Commissioners, by Advertisement in Three daily Morning Newspapers circulating in *London* or *Westminster* in the Week immediately previous to the Day on which the Rate is intended to be made, and at least Seven Days previously thereto; and at the Day appointed for making the Rate the Commissioners shall receive and consider the Objections in Writing of any Parties interested therein before they shall make such Rate; and every District Sewers Rate not imposed in gross shall be fairly transcribed in a Book to be kept for that Purpose; and may be in the Form given in the Schedule (A.) annexed to this Act, or as near thereto as the Circumstances of the Case will permit; and every such Rate shall be signed by not less than Six of the Commissioners; and Notice of every District Sewers Rate made, and of the Court Days to be held within One Month thereafter on which Appeals may be heard against the same, shall be affixed on a Board provided for that Purpose in the principal Office of the Commissioners, and shall be affixed in the Branch Office (if any) of the Commissioners in the District.

XCI. And be it enacted, That a Notice of every Special Sewers Rate and Improvement Rate shall be given to the Owner or Occupier of the Land or Tenement affected thereby, in manner herein provided for giving Notices to Owners or Occupiers; and every Special Sewers Rate and Improvement Rate shall be sealed with the Seal of the Commissioners, and signed by their Clerk.

XCII. And be it enacted, That every proposed Rate, and every Rate immediately after the same is made, shall be open to the Inspection of any Officer or Person interested or rated in or to such Rate, at all reasonable Times; and such Officer or Person may take Copies or Extracts of or from such proposed Rate, or Rate, without Fee or Reward; and any Clerk or Person having the Custody of such proposed Rate, or Rate, who shall not permit any such Inspection, or any such Copies or Extracts to be taken as aforesaid, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

XCIII. And

Rates.

Owners, &c. may redeem Special and Improvement Rates.

Notice of District Rate.

Form of Rate when not imposed in gross.

Notices to be given of Special and Improvement Rates.

Proposed Rates, and Rates when made, to be open to Inspection.

Penalty on Clerk, &c. refusing Inspection.

Rates.

Power to Commissioners to amend Rates from Time to Time.

XCIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to amend any Rate, by substituting the Name of any Person as Owner or Occupier for the Name of any Person whose Name may have been incorrectly inserted in such Rate, or by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person has been rated, where such Person shall appear to the Commissioners to have been under-rated or over-rated, as the Case may be, or by making such other Amendments therein as will make such Rate conformable to the Provisions of this Act; and no such Amendment shall be held to avoid the Rate: Provided always, that the Persons whose Rates are altered shall be entitled to Seven Days Notice of such Alteration before their Rates shall be payable, and that all Persons shall have the same Right of Appeal from any such Alteration as they would have had if the Alteration had been originally Part of the Rates, and as respects such Persons the Rates shall be considered to have been made at the Time when they received Notice of such Alteration.

As to Appeals against District Rates where imposed in gross.

XCIV. And be it enacted, That whenever any District Sewers Rate is imposed in gross on any Parish or Place it shall be lawful for the Overseers of such Parish, or other Officers having the Control of the Collection and Receipt of the Poor Rate, or if there be no Poor Rate then for the Officers or Persons having the Collection or Receipt of any other public Pound Rate charged therewith, within One Month after the making of any such Rate, to appeal against the same to the Commissioners, if they consider their Parish or Place to be thereby over-rated, or otherwise aggrieved: Provided always, that Fourteen Days Notice in Writing of such Appeal, and of the Grounds thereof, shall be given by the Parties intending to appeal to the Commissioners: Provided also, that such Rate shall be levied, notwithstanding such Appeal, until the Decision of the Commissioners shall be had upon such Appeal; but if upon the hearing of such Appeal the Commissioners shall order any Rate or Assessment to be set aside, decreased, or lowered, and it shall appear to the Commissioners that any Parish or Place has previously to the Determination of such Appeal paid any Money in consequence of such Rate or Assessment which ought not to have been paid or charged thereon, then the Commissioners shall order such Proportion of such Sum or Sums of Money as shall have been so paid by any Parish or Place subsequently to the Notice of Appeal given to be repaid or returned to the Parish or Place which paid the same, or to be carried to the Account of the next District Sewers Rate thereon.

As to Appeals against Rates when not imposed in gross.

XCV. And be it enacted, That whenever any District Sewers Rate shall be made under this Act, and shall not be imposed in gross, and in every Case where a Special Sewers Rate or an Improvement Rate shall be made under this Act, it shall be lawful for any Occupier or for any Owner or Person interested

in or rated to such Rate, who shall consider himself aggrieved thereby, within One Month after the making of any such Rate to appeal against the same or the Apportionment thereof on him, ~~on~~ the Ground of Nonliability to pay the same, or of Unfairness or Incorrectness in the Apportionment or Assessment thereof, such Appellant giving Fourteen Days Notice of such Appeal and of the Grounds thereof, in Writing under his Hand, to the Commissioners, and if the Ground of such Objection shall be the unequal Assessment or Apportionment of Third Parties, a like Notice being given to such Parties.

Rates.

XCVI. And be it enacted, That the Commissioners shall, on their usual Court Days during the Period of Appeal, or at some Adjournment thereof, proceed to investigate the Matter of such Appeal as aforesaid, by the Examination of such Witnesses and Evidence as the Parties shall produce, or by the Examination of such other Witnesses and Evidence as to the Commissioners shall seem right; and on the hearing of such Appeal the Commissioners may amend, alter, or quash the Rate or Assessment, or correct the Apportionment objected to, as they may think proper; and the Decision of the Commissioners shall be final; nevertheless the Commissioners are hereby empowered to try such Question by a Jury, in the same Manner as a Traverse of a Presentment of Rateability is triable according to the Laws and Usages of Sewers; and in case no Complaint shall be made against such Rate or the Apportionment thereof within One Month after the making of such Rate, the same shall be final and conclusive on all Parties and Places whatsoever.

Proceedings on Appeals.

XCVII. And be it enacted, That it shall be lawful for the Commissioners (if they think fit) to issue Precepts requiring Payment to their Treasurer, within Times in such Precepts respectively to be limited, of the Sums assessed in gross on Parishes or Places within the Limits of the Commission, to the Officers intrusted and empowered by Law to levy Rates in such Parishes or Places respectively, and such Officers shall obey and execute the same Precepts in manner herein-after mentioned; (that is to say,) in the Case of a Parish wholly situate within the Limits of the Commission, and comprised within a Poor Law Union of Parishes, such Precept to issue to the Guardians of such Union requiring them to pay the Rate thereon assessed by the Commissioners for each such Parish of their Union out of the Monies held or to be received by them on its Behalf, and such Precept shall have Force in every such Union in regard to every such Parish, notwithstanding that the Place of Meeting of the Guardians may not be situate within the Limits of the Commission, and the said Guardians shall raise the Monies required by such Precept to be paid in like Manner as the Monies required by such Guardians for the Relief of the Poor, and the said Guardians shall pay such Monies at the Times limited and in the Manner prescribed by such Precept, and may pay separately to the Treasurer of the Commissioners the whole Sum or Sums (but not less than the whole Sum or Sums) charged on any One or more of such Parishes respectively;

As to Collection of Rates imposed in gross;

from Guardians of Unions;

from Overseers
of Parishes not
in Union ;

from other Per-
sons where Part
only of a Parish
in Union is
under the Com-
mission, but is
a District for
Rating.

Enforcement of
Precepts origi-
nally issued to
Guardians.

For indemni-
fying Parishes
whose Funds
are anticipated
from Default of
other Parishes
in the Union.

respectively ; and in the Case of a Parish wholly or in part situate within the Limits of the Commission not comprised in a Poor Law Union, such Precept to issue to the Overseers or other Managers of the Poor of such Parish, to pay the Rate thereon assessed by the Commissioners out of the Monies held or to be received by them on its Behalf, and the said Overseers or Managers of the Poor shall raise the Monies required by such Precept in like Manner as the Monies by them required for the Relief of the Poor ; and in the Case of a Parish comprised in a Poor Law Union a Part only of which Parish is situated within the Limits of the Commission, and in the Case of every Place not maintaining its own Poor, but in which any public Pound Rate is collected, such Precept to issue to the Vestrymen or other Persons empowered by Law to levy such public Pound Rate thereon, to pay the Rate assessed on such Part of a Parish or such Place out of the Monies held or to be received by them in its Behalf, and such Vestrymen or Persons shall raise the Money required by such Precept in like Manner as any such public Rate.

XCVIII. And be it enacted, That in case the said Guardians do not pay within the Time limited in such Precept the Sum or Sums of Money therein required to be paid on behalf of any Parish in their Union, the Commissioners may cause to be issued to the Overseers of the Poor, or other Officers or Persons empowered by Law to levy Poor Rates or other public Rates in such Parish, a Warrant to collect and pay to the Treasurer of the Commissioners, within a Time to be limited in such Warrant, the Rate charged by the Commissioners on such Parish, together with an Addition to such Rate in the Proportion of One Shilling to every Ten, and such Addition to the said Rate shall be applied in like Manner as the original Amount of such Rate ; and such Overseers or other Officers or Persons may reimburse themselves, as well for such additional Sum as for the original Amount of such Rate, out of the Monies which they are respectively empowered to raise or levy ; and if the Overseers or other Persons as aforesaid refuse, make default, or neglect to pay to the Treasurer of the Commissioners within the Time limited as aforesaid the Sum or Sums of Money specified in such Warrant, it shall be lawful for any Justice of the Peace, and he is hereby required, on Complaint by the Clerk or Treasurer of the Commissioners, by Warrant under the Hand of such Justice of the Peace, to levy the same by Distress and Sale of the Goods of the Defaulters or Defaulter.

XCIX. Provided always, and be it enacted, That in every Case where any Parish comprised in a Union has, on or before the Day on which any Precept should be obeyed, contributed Money sufficient to enable the Guardians of the Union to pay the Sum or Sums required by such Precept to be paid in respect of such Parish, as well as to provide for the immediate Relief of the Poor of such Parish, and to satisfy all other the Obligations of the said Guardians in respect of such Parish in force on that Day, and where, through the Default of any other Parish or Parishes

Parishes in the same Union in contributing Money to such Guardians, or through the Neglect of such Guardians to demand sufficient Contributions from any other Parish or Parishes in the same Union, the said Guardians have applied the Money of such first-mentioned Parish to the Use of such other Parish or Parishes, and are thereby rendered unable to pay the Money so required by such Precept on behalf of such first-mentioned Parish, and such Parish is by reason thereof compelled to pay the additional Sum of One Shilling in every Ten, as hereinbefore provided, in every such Case the Guardians of the Union shall reimburse such first-mentioned Parish such additional Sum, and all Costs incurred by reason of the Premises, out of the Monies of such other Parish or Parishes which may next thereafter come into the Hands of such Guardians; and in case more than One Parish be in default as aforesaid the said Guardians shall charge such additional Sum and Costs among such Parishes in proportion to the Amount of the Deficiency of the Contribution of each Parish respectively on the Day on which the said Precept should have been obeyed.

Rates.

C. And be it enacted, That in case the Overseers or other Managers of the Poor of any Parish, or the Vestrymen or other Persons empowered to levy Rates in any Part of a Parish or in any Place as aforesaid, to whom any Precept shall have been issued under this Act, refuse, make default, or neglect to pay to the Treasurer of the Commissioners, within the Time limited in such Precept as aforesaid, the Sum or Sums of Money specified therein, and if the Clerk or Treasurer of the Commissioners make Complaint thereof to any Justice of the Peace, such Justice may, by Warrant under his Hand, levy the same by Distress and Sale of the Goods of the Defaulter or Defaulters.

Enforcement of
Precepts not
originally issued
to Guardians.

CI. And be it enacted, That in case any District Sewers Rate shall not be imposed in gross, and in the Case of Special Sewers Rates and Improvement Rates, it shall be lawful for the Commissioners to collect the same respectively from the Parties rated or liable thereto, and for such Purpose raise and levy the same by Distress and Sale in manner herein provided, and otherwise to enforce the same according to the Law of Sewers; or the Commissioners may, if they think fit, consolidate the Collection thereof with the Poor Rate, or any other equal Pound Rate for public or local Purposes, levied on the Occupiers of the Lands or Tenements rateable, or other Persons who of right ought to pay such Rates under this Act, and for that Purpose may issue Precepts to the Overseers or other Persons having the Collection of such Poor Rate or other Pound Rate, specifying the Property and Persons rateable and chargeable, and the Amount of Rate to be from Time to Time collected from them, and requiring Payment thereof to the Treasurer of the Commissioners at a Time therein mentioned; and such Precept shall be enforced and executed by the Persons to whom the same is addressed in the same Manner as the Warrant or Authority to levy the Rate with the Collection of which such Rate under this Act is consolidated may be enforced and executed.

Power for
Commissioners,
where Rate is
not made in
gross, to collect
it, to consolidate
the Assessment
and Collection
with the Poor
Rate or other
Rate, and issue
Precepts for the
same.

Rates.

Precepts and
Warrants to
specify Exemptions, &c.

CII. Provided always, and be it enacted, That where Part only of a Parish or Place shall be subject to a District Sewers Rate, and where in any Parish or Place any Property shall be entitled to any Exemption, Reduction, or Allowance from or in respect of any District Sewers Rate, the Commissioners shall in their Precept or Warrant specify (as the Case may require) the Part so subject, and the Particulars of every such Exemption, Reduction, or Allowance, and the Commissioners may also in any such Precept or Warrant make an Allowance to a Parish or Place for Premises therein in respect of which a Composition for Payment of the District Sewers Rate upon a reduced Estimate of the net annual Value might have been made by the Commissioners with the Owners under the Provision herein-before contained.

As to the Service of Precepts.

CIII. And be it enacted, That the several Precepts and Warrants of the Commissioners herein-before mentioned may be delivered or sent by Post as a registered Letter according to the Regulations of the Postmaster General for the Time being in that Behalf; and every Precept delivered or tendered to the Address of the Person to whom it is addressed shall be deemed to have been served on the Person to whom the same was so delivered or tendered, and if delivered or tendered to the Clerk or other like Officer acting for the Guardians of a Union or other Managers of the Poor shall be deemed to have been served on the whole of the said Guardians or Managers, and if delivered or tendered to any One Overseer or Vestryman shall be deemed to have been served on the whole of the Overseers or Vestrymen of the Place.

Officer levying
Rate imposed
in gross to allow
Exemption, &c.
and give Receipts showing
Sums levied in
respect of the
Rate.

CIV. And be it enacted, That the Guardians and other Persons empowered by any Precept or Warrant of the Commissioners to raise Monies in any Parish or Place in respect of any District Rate imposed in gross under this Act shall, where Part only of the Parish or Place shall be subject to such Rate, raise such Monies upon the Part only which shall be so subject, and shall in every Case in raising the same observe and allow the Exemptions, Reductions, or Allowances specified in such Precept or Warrant, and shall also give or cause to be given to every Person by whom any Money shall be paid in respect of such Rate a Receipt or Certificate showing the Amount paid by such Person in respect of such Rate, with Notice that the same may be deducted from the Rent payable in respect of the Premises for which such Money shall be so paid where such Tenant would be authorized to deduct Sewers Rate, and such Tenant shall be entitled to deduct or to be repaid the same in like Manner as if the Amount so paid by him had been paid on account of a District Sewers Rate originally assessed upon him by the Commissioners.

Extra Allowance may be made to Poor Rate Collectors.

CV. And be it enacted, That the said Guardians, Overseers, Managers of the Poor, Vestrymen, and other Persons empowered to levy Rates may give to their Collectors or other Officers employed in the Collection and Levy of Rates such Poundage or other Allowance for their Trouble in the Collection of Rates under

under this Act as to the Commissioners shall seem reasonable and meet.

CVI. And be it enacted, That it shall be lawful for the Commissioners for the Purposes of defraying any Expenses incurred or to be incurred by them in the Execution of this Act, to borrow and take up at Interest on the Credit of all or any of the Rates authorized to be made or collected under this Act any Sums of Money necessary for defraying any such Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the Commissioners may mortgage and assign over to the Persons by or on behalf of whom such Sums shall be advanced the respective Rates upon the Credit of which such Sums shall be borrowed; and the respective Mortgagees shall be entitled to a Proportion of the Rates comprised in their respective Mortgages according to the Sums in such Mortgages mentioned to have been advanced; and each Mortgagee shall be entitled to be repaid the Sums so advanced, with Interest, without any Preference over any other Mortgagee or Mortgagees by reason of any Priority of Advance or the Date of his Mortgage.

Mortgage of Rates.
 —
 Power to Commissioners to borrow Money on Mortgage of the Rates.

No Priority amongst Mortgagees.

CVII. And be it enacted, That it shall be lawful for the Commissioners acting in the Execution of an Act passed in the Second Session of the Fifth Year of Her Majesty's Reign, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries and Employment of the Poor, and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes*, and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, to make Advances to the Metropolitan Commissioners of Sewers upon the Security of all or any of the Rates to be levied by them under this Act, and without requiring any further or other Security than a Mortgage of such Rates.

Commissioners of Public Works under 5 & 6 Vict. c. 9. may make Advances to Commissioners under this Act.

CVIII. And be it enacted, That if the Commissioners can at any Time borrow at a lower Rate of Interest than that secured by any Mortgage previously made by them, and then outstanding and in force, it shall be lawful for them so to borrow accordingly, in order to pay off and discharge any of the Securities bearing a higher Rate of Interest, and to charge the Rates which they are authorized to mortgage under this Act with Payment of the Sum so borrowed, together with the Interest thereon, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed upon Mortgage.

Money may be borrowed at lower Rates of Interest to pay off Securities bearing a higher Rate.

CIX. And be it enacted, That if at the Time appointed in any Mortgage Deed for Payment of the Principal Money secured thereby the Commissioners are unable to pay off the same, it shall be lawful for them to borrow such Sum of Money as may be necessary for the Purpose of paying off the whole or any Part of the said Principal Monies, and to secure the Repayment of the Money so borrowed, and the Interest to be paid thereon, in the same Manner in all respects as in the Case of Monies borrowed

Power to borrow Money to pay off former Mortgages.

Mortgage of Rates.

Form of Mortgage.

Register of Mortgages.

Repayment of Money borrowed at a Time agreed upon.

Interest on Mortgages to be paid half-yearly.
As to Repayment of Money borrowed when no Time has been agreed upon.

rowed for defraying Expenses incurred by the Commissioners in the Execution of this Act.

CX. And be it enacted, That every Mortgage authorized to be made under this Act shall be by Deed duly stamped, truly stating the Date, Consideration, and the Time of Payment, and shall be sealed with the Seal of the Commissioners, and may be made according to the Form contained in the Schedule (B.) to this Act annexed, or to the like Effect, or with such Variations or Additions in each Case as the Commissioners and the Party advancing the Money intended to be thereby secured may agree to; and there shall be kept at the Office of the Commissioners a separate Register of the Mortgages upon each Kind of Rate, and within Fourteen Days after the Date of any Mortgage an Entry shall be made in the proper Register of the Number and Date thereof, and of the Names and Descriptions of the Parties thereto, as stated in the Deed; and every such Register shall be open to public Inspection during Office Hours at the said Office, without Fee or Reward; and any Clerk or other Person having the Custody of the same, refusing to allow such Inspection, shall be liable to a Penalty not exceeding Five Pounds.

CXI. And be it enacted, That the Commissioners may, if they think proper, fix a Time or Times for the Repayment of all or any Principal Monies borrowed under this Act, and the Payment of the Interest thereof respectively, and may provide for the Repayment of such Monies, with Interest, by Instalments, or otherwise as they may think fit; and in case the Commissioners shall fix the Time or Times of Repayment they shall cause such Time or Times to be inserted in the Mortgage Deed; and at the Time or Times so fixed for Payment thereof such Principal Monies and Interest respectively shall, on Demand, be paid to the Party entitled to receive the same accordingly; and if no other Place of Payment be inserted in the Mortgage Deed, the Principal and Interest shall be payable at the principal Office of the Commissioners.

CXII. And be it enacted, That, unless otherwise provided by any Mortgage, the Interest of the Money borrowed thereupon shall be paid half-yearly; and if no Time be fixed in the Mortgage Deed for the Repayment of the Money so borrowed, the Party entitled to receive such Money may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Deed, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and in the like Case the Commissioners may at any Time pay off the Money borrowed, on giving the like Notice; and every such Notice shall be in Writing or Print, or both, and if given by a Mortgagee shall be given in manner herein provided for Service of Notices on the Commissioners, and if given by the Commissioners shall be given either personally to such Mortgagee or left at his Residence, or if such Mortgagee or his Residence be unknown to the Commissioners, or cannot be found after diligent Inquiry, such Notice

Notice shall be given by Advertisement in the *London Gazette*; and if the Commissioners shall have given Notice of their Intention to pay off any such Mortgage at a Time when the same may lawfully be paid off by them, then at the Expiration of such Notice all further Interest shall cease to be payable thereon, unless, on Demand of Payment made pursuant to such Notice, or at any Time thereafter, the Commissioners fail to pay the Principal and Interest due, at the Expiration of such Notice, on such Mortgage.

Interest to cease on Expiration of Notice to pay off a Mortgage Debt.

CXIII. And be it enacted, That if at the Expiration of Six Months from the Time when any Principal Money or Interest has become due upon any Mortgage made under this Act, and after Demand in Writing, the same be not paid, the Mortgagee may, without Prejudice to any other Mode of Recovery, apply for the Appointment of a Receiver to Two Justices, who are hereby empowered, after hearing the Parties, to appoint, in Writing under their Hands and Seals, some Person to collect and receive the whole or a competent Part of the Rates liable to the Payment of the Principal or Interest in respect of which the Application is made, until such Principal or Interest, or both, as the Case may be, together with the Costs of the Application and the Costs of Collection, are fully paid; and upon such Appointment being made all such Rates, or such competent Part thereof as aforesaid, shall be paid to the Person appointed, and when so paid shall be so much Money received by or to the Use of the Mortgagee or Mortgagees of such Rates, and shall be rateably apportioned between or among them: Provided always, that no such Application shall be entertained unless the Sum or Sums due and owing to the Applicant amount to One thousand Pounds, or unless a joint Application be made by Two or more Mortgagees to whom there may be due, after such Lapse of Time, and Demand, as last aforesaid, Monies collectively amounting to that Sum.

Payment of Principal and Interest may be enforced by the Appointment of a Receiver.

CXIV. And be it enacted, That the Books of Account of the Commissioners shall be open at all seasonable Times to the Inspection of the Mortgagees or Transferees of Mortgages under this Act, with Liberty to make Extracts therefrom, without Fee or Reward; and any Clerk or other Person having the Custody of such Books, and refusing to allow such Inspection or such Extracts to be made, shall be liable to a Penalty not exceeding Five Pounds.

Accounts of Commissioners to be open to Mortgagees at all seasonable Times.

CXV. And be it enacted, That any Mortgagee or other Person entitled to any Mortgage under this Act may transfer his Estate and Interest therein to any other Person by Deed duly stamped, truly stating its Date, the Names and Descriptions of the Parties thereto, and the Consideration for the Transfer; and such Transfer may be according to the Form contained in the Schedule (C.) to this Act annexed, or to the like Effect; and there shall be kept at the Office of the Commissioners a separate Register of the Transfers of Mortgages charged upon each Kind of Rate; and within Thirty Days after the Date of such Deed of Transfer, if executed within the United Kingdom, or within

Transfer of Mortgages.

Register of Transfers.

Mortgage of Rates.
—

Thirty Days after its Arrival in the United Kingdom if executed elsewhere, the same shall be produced to the Clerk, who shall, upon Payment of the Sum of Five Shillings, cause an Entry to be made in such Register of its Date, and of the Names and Description of the Parties thereto, as stated in the Transfer; and upon any Transfer being so registered the Transferee, his Executors, Administrators, or Assigns, shall be entitled to the full Benefit of the original Mortgage, and the Principal and Interest secured thereby; and every such Transferee may in like Manner transfer his Estate and Interest in any such Mortgage; and no Person, except the Person to whom the same shall have been last transferred, his Executors, Administrators, or Assigns, shall be entitled to release or discharge any such Mortgage, or any Money secured thereby.

Expenses of Works within the City of London.
—

Expenses incurred by Metropolitan Commissioners for Works within the City of London to be paid by the Chamberlain.

CXVI. And be it enacted, That it shall be lawful for the Metropolitan Commissioners of Sewers from Time to Time to settle and ascertain the Expenses incurred by them in respect of any Works within the City of *London* or the Liberties thereof which shall be rendered necessary by the Neglect or Default of the Commissioners of Sewers of the City of *London* to do or perform the same, and to raise the same by Precept to the Chamberlain of the City of *London*, as herein-after mentioned: Provided always, that it shall not be lawful for the Commissioners to raise by such Precept as aforesaid any further or greater Proportion of such Expenses than ought, under or by virtue of the Provisions of this Act, to be borne or defrayed by the Commissioners of Sewers of the City of *London*.

Metropolitan Commissioners to issue a Precept to Chamberlain of London.

CXVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to issue a Precept to the Chamberlain of the City of *London*, requiring Payment to their Treasurer of any Sum which the Commissioners shall be entitled to have repaid to them by the Commissioners of Sewers of the City of *London*; and the said Chamberlain shall, out of any Monies in the Chamber of the said City, pay to the Treasurer of the said Commissioners the Sum required by such Precept, within Three Months after the Service thereof; and all Payments to be so made by the said Chamberlain shall be charged by him against and reimbursed to him out of any Rates which the Commissioners of Sewers of the City of *London* may levy under the said Act of the Eleventh Year of King *George* the Third, and the said Acts amending the same; and such last-mentioned Commissioners shall from Time to Time make or cause to be made such Rates as shall be necessary for that Purpose.

General Provisions as to Application of Monies.
—

Commissioners may apply Rates to any Purposes of the Act, but Liabilities of

CXVIII. And be it enacted, That it shall be lawful for the Commissioners to apply any Monies received by them in respect of any Rates, or otherwise under this Act, in the Discharge of any Monies owing by the Commissioners, or in any Payment authorized by this Act; but such Application shall not affect the Power of the Commissioners to make any Rate or Addition to Rate in respect of any Money borrowed or Expenses which shall have been paid or defrayed out of any Rate or Rates other than the

the Rate or Rates primarily applicable thereto, nor extend the Liability of any Person in respect of any Rate or Payment to which he would be otherwise subject under this Act.

Ratepayers not to be affected.

CXIX. And be it enacted, That in order to provide a Fund for the Discharge of any Money which shall have been borrowed under the Powers of this Act it shall be lawful for the Commissioners from Time to Time to cause any Money received by them under this Act, and which for the Time being shall not be required for any other Purposes of this Act, to be invested in the Purchase of Exchequer Bills, or Government Stocks, Funds, or Securities, and from Time to Time to cause to be invested in like Manner the Interest and Dividends thereof, so as to accumulate the same at Compound Interest until the same can be applied for the Discharge of such Money borrowed, or for any other Purposes of this Act.

Commissioners may form a sinking Fund for Discharge of Mortgages.

CXX. And be it enacted, That the Commissioners shall cause Books to be provided and kept, and full and correct Accounts to be entered therein of all Rates and other Monies levied, received, and recovered by the Commissioners, and of the Application thereof, distinguishing the Times and Purposes when and for which Monies were received and paid, and the respective Districts or Places in and for which Monies were collected and expended; and the Commissioners, and the Rate-payers, and every Creditor on the Rates, may at all reasonable Times inspect and take Copies of or Extracts from such Books, without Fee or Reward; and any Clerk or other Person having the Custody of such Books, who shall not, on any reasonable Demand of any such Commissioner, Rate-payer, or Creditor as aforesaid, permit him to inspect such Books, or to take such Copies or Extracts as aforesaid, shall be liable to a Penalty not exceeding Five Pounds for every such Offence; and the Commissioners shall in the Month of *January* in every Year cause their Accounts to be balanced up to the Thirty-first Day of *December* of the preceding Year; and the Commissioners shall cause a full Statement and Account to be drawn out of the Amount of all Contracts entered into and of all Monies received and expended by virtue of this Act during such preceding Year, under the several distinct Heads of Receipt and Expenditure, and also of all Arrears of Rates and other Monies then owing to the Commissioners, and of all Mortgages and other Debts then owing by the Commissioners; and the Commissioners shall give public Notice by Advertisement, to be inserted not less than Twice in each of Two daily Morning Newspapers circulating in *London* and *Westminster*, that such Statement and Account is prepared and ready for the Inspection of the Rate-payers and Creditors on the Rates, and of the Day fixed for auditing the Accounts; and the Commissioners shall allow such Statement and Account to remain for Inspection at their principal Office; and every such Rate-payer and Creditor may at all reasonable Times before the Day of Audit inspect such Statement and Account, and compare the same with the Books and Documents relating thereto

Accounts.

Commissioners to cause Books of Accounts to be kept, which shall be open to Inspection.

Penalty for refusing Inspection.

Accounts to be balanced, and an annual Statement to be prepared, and when deposited at the Office to be open for Inspection.

Accounts.

Auditors to be appointed by Secretary of State, who shall be remunerated by the Commissioners.

Auditors to give Notice to Commissioners, who shall produce their Accounts to him, with all Vouchers for Support of the same.

Accounts to be audited in Presence of Commissioners and Rate-payers who may desire to attend.

Abstract of annual Accounts and Report to be laid before Parliament.

thereto in the Possession of the Commissioners, on Payment of a Fee of One Shilling for each Inspection.

CXXI. And be it enacted, That One of Her Majesty's Principal Secretaries of State shall, in the Month of *January* in each Year, by Order under his Hand, appoint One or more fit Person or Persons to examine and audit the Accounts of the Commissioners for the preceding Year; and every such Auditor shall be paid by the Commissioners Two Guineas for every Day he shall be fully employed on such Audit, and all such Expenses as he shall be put to in the auditing of such Accounts; and the Auditor or Auditors appointed as aforesaid shall, in the Month of *February* in each Year, on such Day or Days as shall be fixed by him or them for the Audit of the Accounts, attend at the principal Office of the Commissioners, and shall give to the Commissioners at least Fourteen Days previous Notice in Writing of the Time so fixed for such Audit; and the Commissioners shall, by their Clerks, Treasurers, and other Officers, produce and lay before the Auditor or Auditors at every such Audit the Accounts of the Commissioners for the Year preceding, together with the Statement and Account herein-before mentioned, accompanied by proper Vouchers for the Support of the same, and submit to his or their Inspection all Books, Papers, Instruments, and Writings in their Custody or Control relating thereto; and such Auditor or Auditors, in the Presence of such of the Commissioners and of the Rate-payers and Creditors on the Rates as shall desire to attend, shall audit the Accounts herein-before mentioned, and may examine any of the Commissioners or their Officers whom he or they shall deem accountable (and whom he or they is and are hereby empowered to summon to appear before him or them for the Purpose of such Examination) touching the said Accounts, and shall also hear any Complaint which any such Rate-payer or Creditor shall at the Time of such Audit make touching such Accounts; and if such Accounts be found correct, such Auditor or Auditors shall sign the same, in token of his or their Allowance thereof, and such Allowance shall be final and conclusive on all Parties.

CXXII. And be it enacted, That the Commissioners shall, after such Audit of Accounts as aforesaid, cause an Account in Abstract to be prepared, showing the Receipt and Expenditure under this Act for the preceding Year, under the several distinct Heads of Receipt and Expenditure, with the Statement of the Allowance of the Auditor or Auditors, if he or they shall have allowed such Accounts, or of the Parts, if any, which he or they shall have disapproved of such Accounts, and also a summary Statement and Report of all Contracts entered into by the Commissioners in such preceding Year, and of the Monies owing to and Debts owing by the Commissioners on the Thirty-first Day of *December* of such preceding Year, and of the Works commenced and completed respectively in such preceding Year, and the Works remaining in progress at the Termination of such Year; and such Account in Abstract and Statement and Report

Report shall be laid before both Houses of Parliament in the Month of *March* in each Year, if Parliament be sitting, or if Parliament be not sitting then within One Month after the next Meeting of Parliament; and in the Month of *March* in each Year a Copy of such Account in Abstract and Statement and Report respectively for each Parish wholly or in part within the Limits of the Commission comprised in a Union of Parishes shall be sent to the Guardians of such Union, and for each Parish wholly or in part within such Limits not comprised in a Union shall be sent to the Managers of the Poor of such Parish.

CXXIII. And be it enacted, That the Commissioners may from Time to Time make, alter, and repeal Bye Laws for all or any of the Purposes following; (that is to say,) for regulating the Business and Proceedings at Courts of Sewers and of Committees, the Appointment and Removal of Officers and Servants of the Commissioners, and their Duties, Conduct, and Remuneration; for regulating, in regard to Drainage, the Plans, Level, Surface Inclination, and the Material of the Pavement and Roadway of new Streets and Roads, and the Plans and Level of Sites for building, and for regulating the Drainage of Roads and Streets into their Sewers; for regulating the Dimensions, Form, and Mode of Construction, and the keeping, cleansing, and repairing, of the Pipes, Drains, and other Means of communicating with Sewers, and the Traps and Apparatus connected herewith; for the emptying, cleansing, closing, and filling up of Cesspools and Privies, and for such other Works of cleansing and of removing and disposing of Refuse as the Commissioners are authorized to perform or require; for regulating the Assessment and Collection of Rates, Charges, and Contributions, and the Consolidation thereof with any existing Rate; the Periods for the Repayment of the Expenses of Works by the Persons or Rates chargeable with the Repayment thereof; the Forms of Rates, and the Mode and Period of and for Appeals from special Sewers Rates and Improvement Rates, and Charges for Default; for regulating the Form of Contracts with Commissioners, and generally for carrying into effect the Purposes of this Act; and the Commissioners may thereby impose such reasonable Penalties as they think fit, not exceeding Five Pounds, for each Breach of such Bye Laws, and in case of a continuing Offence a further Penalty not exceeding Forty Shillings for each Day after Notice of the Offence from the Commissioners: Provided always, that under every such Bye Law it shall be lawful for the Justices before whom any Penalty imposed thereby is sought to be recovered to order the whole or Part only of such Penalty to be paid, or to remit the whole Penalty: Provided also, that no Bye Laws shall be repugnant to the Laws of *England* or to the Provisions of this Act; and that no Bye Law shall be of any Force or Effect unless and until the same be submitted to and confirmed by a Special Court of Sewers, at which not less than Ten Commissioners shall be present; and no Bye Law shall be confirmed unless public Notice of such Bye Law, and of the Intention to submit the same to the Special

Accounts.

Bye Laws.

Power to Commissioners to make Bye Laws for Purposes herein named.

Penalty for Breach of Bye Laws.

Power to Justices to remit Penalties.

No Bye Laws to take effect till confirmed.

*Bye Laws.**Publication of
Bye Laws.**Evidence of
Bye Laws.**Suits, &c. by
and against
Commissioners.*

Suits and Proceedings by and against Commissioners to be carried on in the Name of the Clerk, who shall be reimbursed.

*Proof of Debts
in Bankruptcy.**Clerk, though a
Plaintiff, &c. to*

Court for Confirmation, shall have been given One Month at least before the same shall be so submitted.

CXXIV. And be it enacted, That all Bye Laws made and confirmed as aforesaid by the Commissioners in pursuance of this Act shall be printed, with the Date of the Confirmation thereof, and hung up in the principal Office of the Commissioners, and Copies thereof shall be delivered to any Person applying for the same, on Payment of such Sum, not exceeding Sixpence, as the Commissioners shall direct; and such Bye Laws, when so confirmed and published, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same; and the Production of a printed Copy of such Bye Laws, authenticated by the Seal of the Commissioners, shall be Evidence of the Existence, and of the due Making, Confirmation, and Publication of such Bye Laws, in all Prosecutions under the same, without adducing Proof of the Seal of the Commissioners, or of the Fact of such Confirmation or Publication of such Bye Laws.

CXXV. And be it enacted, That the Commissioners may sue and be sued, at Law and in Equity, in the Name of their Clerk for the Time being; and in any Action of Ejectment which shall be brought or prosecuted by the Commissioners for recovering the Possession of any Land, Buildings, or other Property to be vested in the Commissioners under this Act it shall be sufficient to lay the Demise in such Action in the Name of such Clerk; and no Action or Suit to be brought or commenced by or against such Clerk in manner aforesaid shall abate or be discontinued by the Death, Resignation, or Removal of such Clerk, or by the Expiration or other Determination of the Commission of Sewers under which such Clerk may act as aforesaid; provided that no Execution shall issue or be had in any such Action or Suit against such Clerk until Six Months Notice shall have elapsed after final Judgment in such Action or Suit shall have been obtained; and every such Clerk in whose Name or by or against whom any such Action or Suit shall be brought, commenced, or sued shall be fully reimbursed and paid all such Costs, Charges, Damages, and Expenses as by the Event or in consequence of any Action, Suit, or Proceeding he shall pay, sustain, or be put unto or become chargeable with or liable to by reason of his being Plaintiff or Defendant as aforesaid, or of his Name being used as aforesaid, by and out of the Funds under the Control of the Commissioners; and if any Person against whom the Commissioners shall have any Claim or Demand become bankrupt, or take the Benefit of or become subject as an Insolvent to the Operation of any Act for the Relief of Insolvent Debtors, the Clerk of the Commissioners in all Proceedings in the Bankruptcy or Insolvency may represent the Commissioners, and act in their Behalf, in all respects as if such Claim or Demand had been the Claim or Demand of such Clerk, and not of the Commissioners.

CXXVI. And be it enacted, That the Clerk, being the Plaintiff, Prosecutor, or Defendant, or otherwise acting in any Action, Suit,

Suit, or Proceeding as aforesaid, shall be competent to be a Witness therein, in the same Manner as he might have been if his Name had not been made use of as the Plaintiff, Defendant, or otherwise in any such Action, Suit, or Proceeding.

be a competent
Witness.

CXXVII. And be it enacted, That no Writ or Process shall be sued out against or served upon the Commissioners or their Clerk, or any Clerk, Surveyor, or other Officer or Person whomsoever acting under the Direction of the Commissioners, for anything done or intended to be done under the Powers of the Commissioners or of this Act, until the Expiration of One Month next after Notice in Writing shall have been delivered as herein provided concerning the Service of Notices upon the Commissioners, or, where the Action shall be against such other Officer or Person, shall have been delivered to him, or left at his Office or Place of Abode, explicitly stating the Cause of Action, and the Name and Place of Abode of the intended Plaintiff, and of his Attorney or Agent in the Cause; and upon the Trial of any such Action the Plaintiff shall not be permitted to go into Evidence of any Cause of Action, except such as is stated in the Notice so delivered, and unless such Notice be proved the Jury shall find for the Defendant; and every such Action shall be brought or commenced within Six Months next after the Accrual of the Cause of Action, and not afterwards, and shall be laid and tried in the County or Place where the Cause of Action occurred, and not elsewhere; and the Defendant shall be at liberty to plead the General Issue, and give this Act and all special Matter in Evidence thereunder; and it shall be lawful for the Commissioners, or any Person to whom any such Notice of Action is given as aforesaid, to tender Amends to the Plaintiff, his Attorney or Agent, at any Time within One Month after Service of such Notice, and in case the same be not accepted to plead such Tender in bar, and (by Leave of the Court) with the General Issue or other Plea or Pleas; and if upon Issue joined upon any Plea pleaded to the whole Action the Jury find generally for the Defendant, or if the Plaintiff be nonsuited or discontinued, or if Judgment be given for the Defendant, then the Defendant shall be entitled to full Costs of Suit, and have Judgment accordingly; and in case Amends have not been tendered as aforesaid, or in case the Amends tendered be insufficient, it shall be lawful for the Defendant, by Leave of the Court, at any Time before Trial, to pay into Court, under Plea, such Sum of Money as he may think proper, and (by the like Leave) to plead the General Issue or other Plea or Pleas, any Rule of Court or Practice to the contrary notwithstanding.

Notice of
Action.

Limitation of
Actions.

Venue.

General Issue.

Tender of
Amends, &c.

If Tender of
Amends deemed
insufficient, De-
fendant may pay
Money into
Court.

CXXVIII. And be it enacted, That no Matter or Thing done or Contract entered into by the Commissioners, or by any Clerk, Surveyor, or other Officer or Person whomsoever acting under the Direction of the Commissioners, shall, if the Matter or Thing were done or the Contract were entered into *bond fide* for the Purpose of executing this Act, subject them or any of them personally to any Action, Liability, Claim, or Demand whatsoever; and any Expense incurred by any such Commissioners, Clerk,

Persons acting
in execution of
Act not to be
personally
liable.

Surveyor, or other Officer or Person acting as last aforesaid, shall be borne and repaid out of the Funds under the Control of the Commissioners.

Miscellaneous.

Commissioners
may examine on
Oath.

False Evidence
punishable as
Perjury.

Commissioners
may allow Wit-
nesses Money
for Expenses and
Loss of Time.

Commissioners
may decree and
assess Costs.

CXXIX. And be it enacted, That it shall be lawful for the Commissioners to administer an Oath to and examine upon Oath or otherwise any Person, for their more certain Information on any Matters depending before them; and every Person who on any Examination by the Commissioners upon Oath as aforesaid shall wilfully and corruptly give false Evidence shall be liable to the Penalties of wilful and corrupt Perjury.

CXXX. And be it enacted, That any Court of Sewers may, at its Discretion, order to be paid, out of any Monies to be received by the Commissioners under this Act, to any Witness attending to give Evidence before the said Court, such Sum or Sums of Money for Expenses and Loss of Time as to the said Court shall seem just.

CXXXI. And be it enacted, That in any Order or Decree of any Court of Sewers touching any Matter or Thing within the Jurisdiction of the Commissioners it shall be lawful for any such Court of Sewers to order and decree that the Costs, Charges, and Expenses of and incidental to the making and putting in force such Order or Decree shall be paid and borne by the Person upon or against whom, or by reason of whose Default, or for whose Benefit, such Order or Decree shall be made, which Costs, Charges, and Expenses shall and may be ascertained and settled by or by the Authority of such Court of Sewers, and shall and may be demanded and received by the Treasurer or other Person appointed by the Commissioners to receive the same; and when any such Costs, Charges, and Expenses shall be ordered and decreed to be paid as aforesaid, and such Order or Decree shall not be previously altered, reversed, or quashed by or at any subsequent Court of Sewers, or by any other Court or Courts, upon Removal of the same by Certiorari or otherwise, the same Costs, Charges, and Expenses shall and may, at any Time after the Court of Sewers immediately following the making of such Order or Decree, such Court being at the Distance of Twenty-one Days at the least from the Service of such Order or Decree, be levied and raised, together with the Costs and Charges of raising and levying the same, by Distress and Sale of the Goods and Chattels of the Person by whom the same shall or may respectively be ordered or decreed to be paid as aforesaid; but if no sufficient Distress can be found it shall be lawful for the Commissioners (if they shall think fit) to charge the Amount of such Costs, Charges, and Expenses, or of such Portion thereof as shall not be raised by such Distress as aforesaid, upon any Lands or Tenements within the Limits of the Commission of or belonging to the Person by whom such Costs, Charges, or Expenses shall have been ordered or decreed to be paid; and in such Case the same shall be levied upon the Occupier of such Lands or Tenements in such and the same Manner as an Improvement Rate; and the Amount so levied on such Occupier shall be deducted against or repaid by the Person by whom

whom such Costs, Charges, and Expenses were ordered or decreed to be paid; and all and every Sum and Sums of Money which shall or may be raised or levied as aforesaid by or for the Costs, Charges, and Expenses of any Officer of Sewers shall be paid into the Hands of the Treasurer or other Person appointed by the Commissioners to receive the same, and shall be, subject to the Order and Disposition of the Commissioners, paid, applied, and disposed of, so far as the same will extend, in defraying and reimbursing the Costs, Charges, and Expenses which shall have been incurred as aforesaid.

CXXXII. And be it enacted, That all Sums which the Commissioners are authorized to charge and recover as Charges for Default under this Act shall and may be demanded and received by the Treasurer or other Person appointed by the Commissioners to receive the same, and, if not paid upon Demand, shall and may be levied by Distress and Sale of the Goods and Chattels of the Person upon whom such Charges for Default shall be imposed, and shall be applied by the Commissioners in satisfaction of the Expenses occasioned by such Default.

Sums received
as Charges for
Default to be
paid to the
Treasurer.

CXXXIII. And be it enacted, That every Person who shall wilfully obstruct any Surveyor, Officer, or Person duly employed by the Commissioners, or any Workman or other Person acting under his Authority, in the Execution of this Act, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for ob-
structing Offi-
cers in execution
of this Act.

CXXXIV. And be it enacted, That every Person who shall destroy, pull down, injure, or deface any Board placed by Authority of the Commissioners in or about any of their Offices or Premises, upon which any Bye Law or Notice of the Commissioners shall be painted or placed, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for
defacing Notice
Boards.

CXXXV. And be it enacted, That if the Occupier of any Premises shall prevent the Owner thereof from carrying into effect, with respect to such Premises, any of the Provisions of this Act, it shall be lawful for any Justice, by Order in Writing (which may be according to the Form contained in the Schedule (D.) to this Act, or to the like Effect), to require such Occupier to permit the Execution of the Works required to be executed; and if after the making of such Order the Occupier against whom the same shall be made refuse or neglect to comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day during the Continuance of such Refusal or Neglect; and if the Occupier of any Premises, when requested by or on behalf of the Commissioners to state the Name and Description of the Owner of the Premises occupied by him, shall refuse or wilfully omit to disclose or wilfully mis-state the same, it shall be lawful for any Justice to summon the Party to appear before him or some other Justice at a Time and Place to be appointed in such Summons, and if the Party so summoned neglect or refuse to attend at the Time and Place so appointed, or if he do not show good Cause for such Refusal, or if such wilful Omission or Mis-statement be proved, the Justice

Penalty upon
Occupiers ob-
structing Exe-
cution of Works,
or not disclosing
Owner's Name.

before

*Miscellaneous.***Recovery of
Penalties, For-
feitures, &c.**

2 & 3 Vict. c. 47.

before whom the Party is so summoned may impose upon the Offender a Penalty not exceeding Five Pounds.

CXXXVI. And be it enacted, That every Offender who shall be liable to any Penalty or Forfeiture imposed by this Act, or by any Bye Law of the Commissioners, for the Recovery whereof Provision is not herein otherwise made, and also any Person liable to make Compensation, which is herein authorized to be ascertained and recovered before Justices in a summary Manner, shall be proceeded against, and such Penalty or Forfeiture and Compensation respectively shall be awarded, recovered, and enforced, in the same Manner as the Persons liable to the Penalties and Forfeitures and to make the Amends for Hurt and Damage which respectively are imposed and may be ordered to be paid by and under an Act of the Second and Third Years of Her present Majesty, intituled *An Act for further improving the Police in and near the Metropolis*; and such last-mentioned Penalties, Forfeitures, and Amends may by Law be proceeded against, awarded, recovered, and enforced respectively, and all Provisions, Powers, and Rights which are by Law applicable to and consequent upon Proceedings against Persons liable to the Penalties and Forfeitures and to make the Amends for Hurt and Damage which respectively are imposed and may be ordered to be paid by and under the said Act of the Second and Third Years of Her present Majesty, shall be applicable to the Proceedings against Offenders who shall be liable to Penalties and Forfeitures, and Persons liable to make Compensation under this Act as aforesaid: Provided always, that every Sum which shall be recovered in respect of any such Penalty and Forfeiture as last aforesaid, other than any Penalty or Forfeiture which shall be imposed upon the Commissioners or any of them, or any of their Officers or Servants, shall be paid to the Commissioners, and shall be applicable to the general Expenses of the Commission; and that every Sum recovered in respect of any Penalty or Forfeiture imposed on the Commissioners or any of them, or on any of their Officers or Servants, shall be applicable in the same Manner as if such Penalties and Forfeitures had been imposed by the said Act of the Second and Third Years of Her present Majesty; provided that the Magistrate or Justices by whom the Conviction or Order shall be made may award any Part of such last-mentioned Penalty or Forfeiture to any Person aggrieved by the Offence.

No Proceeding
for Recovery of
Penalties, &c. to
be taken other
than by a Party
aggrieved, with-
out Consent
of Attorney
General.

CXXXVII. And be it enacted, That no Proceeding for the Recovery of any Penalty or Forfeiture incurred under the Provisions of this Act shall be had or taken by any Person other than by a Party grieved, or by or on behalf of the Commissioners, without the Consent in Writing of Her Majesty's Attorney General; and that no such Penalty or Forfeiture incurred shall be recovered unless Proceedings for the Recovery thereof shall have been commenced within Six Months after the Commission or Occurrence of the Offence upon which the Penalty or Forfeiture shall attach; and if the Application of the Penalty or Forfeiture be not otherwise provided for, One Half thereof shall

Miscellaneous.

shall go to the Informer, and the Remainder shall go to the Commissioners, or if the Commissioners be the Informers the whole of the Penalty recovered shall go to the Commissioners; and all Sums which shall go to or be recovered by the Commissioners on account of any Penalty by the Commissioners shall be paid to their Treasurer, and shall be applicable to the general Expenses of the Commission; provided that in every Case where the Commissioners or any of them shall be liable to any Penalty or Forfeiture the whole of such Penalty or Forfeiture shall go to the Informer.

CXXXVIII. And be it enacted, That any Summons or Notice, or any Writ or other Process, at Law or in Equity, or any other Matter or Thing whatsoever, required to be served upon the Commissioners or any of them, except where herein otherwise provided, or upon their Clerk, may lawfully be served by delivering the same personally to the Clerk of the Commissioners, or to some Inmate at his usual Place of Abode, or by leaving the same at the principal Office of the Commissioners.

Service of Notices, &c. on Commissioners.

CXXXIX. And be it enacted, That all Notices by this Act required to be given to the Owner or Occupier of any Land or Premises may be served personally on such Owner or Occupier, or left with some Inmate of his Place of Abode, or, if there be no Occupier, may be affixed to some conspicuous Part of such Land or Premises, and it shall not be necessary in any such Notice to name the Owner or Occupier of such Land or Premises: Provided always, that where there shall be no Occupier, and the Owner of any such Land or Premises, and his Place of Abode, be known to the Commissioners, they shall cause such Notice to be served on such Owner personally, or left with some Inmate of his Place of Abode, or shall transmit the same to such Owner through the Post Office.

As to Service of Notices on Owners or Occupiers.

CXL. And be it enacted, That every Notice, Summons, and Demand given by or on behalf of the Commissioners, by any of their Officers under this Act, may be in Writing or Print, or partly in Writing and partly in Print, and may and shall be sufficiently authenticated if signed by the Clerk of the Commissioners, or by the Officer by whom the same may be given.

Authentication of Documents.

CXLI. And be it enacted, That where in this Act any Sum of Money whatsoever is authorized to be raised or levied by Distress, it shall be lawful for the Commissioners to issue a Warrant under the Seal of the Commissioners, directing any Person to levy such Sum of Money, and the Costs, Charges, and Expenses of such Warrant, and of executing the same, by Distress of the Goods and Chattels of the Person against whom such Warrant shall be issued; and if within Five Days next after any Distress shall be made such Sum of Money, and the Costs, Charges, and Expenses of such Warrant, and of making such Distress, and of keeping such Goods and Chattels, shall not be paid, then the Person authorized by the said Warrant shall cause the said Goods and Chattels to be appraised, and to be sold, either on the Premises where the same shall be distrained or elsewhere, or such Part thereof as in his Judgment shall be sufficient

Distresses, how to be made.

*Miscellaneous.*Recovery of
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feitures, &c.

2 & 3 Vict. c. 47.

before whom the Party is so summoned may impose upon the Offender a Penalty not exceeding Five Pounds.

CXXXVI. And be it enacted, That every Offender who shall be liable to any Penalty or Forfeiture imposed by this Act, or by any Bye Law of the Commissioners, for the Recovery whereof Provision is not herein otherwise made, and also any Person liable to make Compensation, which is herein authorized to be ascertained and recovered before Justices in a summary Manner, shall be proceeded against, and such Penalty or Forfeiture and Compensation respectively shall be awarded, recovered, and enforced, in the same Manner as the Persons liable to the Penalties and Forfeitures and to make the Amends for Hurt and Damage which respectively are imposed and may be ordered to be paid by and under an Act of the Second and Third Years of Her present Majesty, intituled *An Act for further improving the Police in and near the Metropolis*; and such last-mentioned Penalties, Forfeitures, and Amends may by Law be proceeded against, awarded, recovered, and enforced respectively, and all Provisions, Powers, and Rights which are by Law applicable to and consequent upon Proceedings against Persons liable to the Penalties and Forfeitures and to make the Amends for Hurt and Damage which respectively are imposed and may be ordered to be paid by and under the said Act of the Second and Third Years of Her present Majesty, shall be applicable to the Proceedings against Offenders who shall be liable to Penalties and Forfeitures, and Persons liable to make Compensation under this Act as aforesaid: Provided always, that every Sum which shall be recovered in respect of any such Penalty and Forfeiture as last aforesaid, other than any Penalty or Forfeiture which shall be imposed upon the Commissioners or any of them, or any of their Officers or Servants, shall be paid to the Commissioners, and shall be applicable to the general Expenses of the Commission; and that every Sum recovered in respect of any Penalty or Forfeiture imposed on the Commissioners or any of them, or on any of their Officers or Servants, shall be applicable in the same Manner as if such Penalties and Forfeitures had been imposed by the said Act of the Second and Third Years of Her present Majesty; provided that the Magistrate or Justices by whom the Conviction or Order shall be made may award any Part of such last-mentioned Penalty or Forfeiture to any Person aggrieved by the Offence.

No Proceeding
for Recovery of
Penalties, &c. to
be taken other
than by a Party
aggrieved, with-
out Consent
of Attorney
General.

CXXXVII. And be it enacted, That no Proceeding for the Recovery of any Penalty or Forfeiture incurred under the Provisions of this Act shall be had or taken by any Person other than by a Party grieved, or by or on behalf of the Commissioners, without the Consent in Writing of Her Majesty's Attorney General; and that no such Penalty or Forfeiture incurred shall be recovered unless Proceedings for the Recovery thereof shall have been commenced within Six Months after the Commission or Occurrence of the Offence upon which the Penalty or Forfeiture shall attach; and if the Application of the Penalty or Forfeiture be not otherwise provided for, One Half thereof shall

shall go to the Informer, and the Remainder shall go to the Commissioners, or if the Commissioners be the Informers the whole of the Penalty recovered shall go to the Commissioners; and all Sums which shall go to or be recovered by the Commissioners on account of any Penalty by the Commissioners shall be paid to their Treasurer, and shall be applicable to the general Expenses of the Commission; provided that in every Case where the Commissioners or any of them shall be liable to any Penalty or Forfeiture the whole of such Penalty or Forfeiture shall go to the Informer.

Miscellaneous.

CXXXVIII. And be it enacted, That any Summons or Notice, or any Writ or other Process, at Law or in Equity, or any other Matter or Thing whatsoever, required to be served upon the Commissioners or any of them, except where herein otherwise provided, or upon their Clerk, may lawfully be served by delivering the same personally to the Clerk of the Commissioners, or to some Inmate at his usual Place of Abode, or by leaving the same at the principal Office of the Commissioners.

Service of Notices, &c. on Commissioners.

CXXXIX. And be it enacted, That all Notices by this Act required to be given to the Owner or Occupier of any Land or Premises may be served personally on such Owner or Occupier, or left with some Inmate of his Place of Abode, or, if there be no Occupier, may be affixed to some conspicuous Part of such Land or Premises, and it shall not be necessary in any such Notice to name the Owner or Occupier of such Land or Premises: Provided always, that where there shall be no Occupier, and the Owner of any such Land or Premises, and his Place of Abode, be known to the Commissioners, they shall cause such Notice to be served on such Owner personally, or left with some Inmate of his Place of Abode, or shall transmit the same to such Owner through the Post Office.

As to Service of Notices on Owners or Occupiers.

CXL. And be it enacted, That every Notice, Summons, and Demand given by or on behalf of the Commissioners, by any of their Officers under this Act, may be in Writing or Print, or partly in Writing and partly in Print, and may and shall be sufficiently authenticated if signed by the Clerk of the Commissioners, or by the Officer by whom the same may be given.

Authentication of Documents.

CXLI. And be it enacted, That where in this Act any Sum of Money whatsoever is authorized to be raised or levied by Distress, it shall be lawful for the Commissioners to issue a Warrant under the Seal of the Commissioners, directing any Person to levy such Sum of Money, and the Costs, Charges, and Expenses of such Warrant, and of executing the same, by Distress of the Goods and Chattels of the Person against whom such Warrant shall be issued; and if within Five Days next after any Distress shall be made such Sum of Money, and the Costs, Charges, and Expenses of such Warrant, and of making such Distress, and of keeping such Goods and Chattels, shall not be paid, then the Person authorized by the said Warrant shall cause the said Goods and Chattels to be appraised, and to be sold, either on the Premises where the same shall be distrained or elsewhere, or such Part thereof as in his Judgment shall be sufficient

Distresses, how to be made.

Miscellaneous.

Distress not unlawful for Defect or Want of Form.

After issuing of First Commission the Acts mentioned in Schedule (F.) to be repealed;

and Powers of Commissioners under Regent Street Act with respect to Sewers, &c. to cease.

Proviso for making Rates to discharge Mortgages.

3 & 4 W. 4. c. 22. and 4 & 5 Vict. c. 45. not to apply to Commissions under this Act.

General Law of Sewers to be applicable to Commissions under this Act.

sufficient to pay such Sum of Money, and the reasonable Costs, Charges, and Expenses of the Warrant and Distress, and of the keeping and removing, appraising and selling, such Goods and Chattels, and shall return the Overplus (if any) to the Owner of such Goods and Chattels, upon Demand thereof made by him; and such Warrant may be in the Form contained in the Schedule (E.) to this Act, or to the like Effect; and no Distress levied under the Authority of this Act shall be unlawful, nor shall any Person making the same be a Trespasser, on account of any Defect or Want of Form in the Warrant of Distress or other Proceeding relating thereto, nor shall be a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction in an Action upon the Case.

CXLII. And be it enacted, That from and after the issuing of the First Commission under this Act the several Acts mentioned in the Schedule (F.) to this Act shall be and the same are hereby repealed; provided that such Repeal shall not prejudice or affect any Rates made, or any Act, Matter, or Thing whatsoever done or commenced, or any Rights or Liabilities acquired, created, or arising under or reserved or saved by the said Acts or any of them.

CXLIII. And be it enacted, That from and after the issuing of the First Commission under this Act the Powers of the Commissioners under the said recited Act of the Fifth Year of King *George* the Fourth, and the Acts extending the Powers of the Commissioners for executing such last-mentioned Act, so far only as respects the making, maintaining, and keeping in repair, and Management, Survey, Control, and Direction of Sewers, Drains, and Watercourses, and the Communications therewith, and making Sewers Rates for such Purposes, and the Exemptions in such Acts contained from the Powers of other Commissioners of Sewers, and from Liability to Sewers Rate, other than the Rates under the same Acts, shall cease: Provided always, that the Commissioners under the same Acts shall continue from Time to Time to make Sewers Rates for the Discharge of any Mortgage and other Debts and Interest which might have been discharged out of the Sewers Rates to be made by such Commissioners in case this Act had not been passed, until the same shall be discharged; and such last-mentioned Rates, while they shall continue payable, shall, with reference to the Limitation of the Powers of rating under this Act, be deemed Part of the District Rate assessed on the Property rateable thereto.

CXLIV. And be it enacted, That the said Acts of the Third and Fourth Years of the Reign of King *William* the Fourth, and of the Fourth and Fifth Years of the Reign of Her present Majesty, shall not apply to any Commission which shall be issued under this Act, or to the Proceedings and Acts by and in relation to such Commission.

CXLV. And be it enacted, That, save as herein-before excepted, the Provisions and Powers of the said Act of the Twenty-third Year of the Reign of King *Henry* the Eighth, and

of the several Acts of Parliament continuing, amending, and explaining the same, so far as the same are consistent with the Provisions of this Act, shall continue in force and be applied and may be exercised for the Purposes of this Act, as if every Commission to be issued under this Act had been issued under the said Act of the Twenty-third Year of King *Henry* the Eighth, except that the Provisions concerning the Oath to be taken by Commissioners, and the Qualifications of Commissioners, and the Penalties for sitting unsworn or without being qualified, and the Powers of Impressment of Workmen and Labourers, the Right of Pre-emption of Timber and Necessaries for Works and Reparations, and the Powers of decreeing and ordaining Lands, Tenements, and Hereditaments from the Owners thereof, for Lack of Payment of Lots or Charges thereon, shall not be applicable to or exercised by the Commissioners under this Act; and all Savings and Provisions in Turnpike, Railway, Waterworks, Improvement, and other Acts, saving and providing for the Rights, Powers, and Authorities of the Commissioners of Sewers for any of the Parts which shall be within the Limits of the Commission to be issued under this Act, shall, so far as the same shall not be inconsistent with the Provisions of this Act, continue and be in force in favour of and with reference to the Metropolitan Commissioners of Sewers.

CXLVI. And be it enacted, That it shall be lawful for the Commissioners of Sewers of the City of *London* to exercise and put in force within the said City and the Liberties thereof the like Powers and Authorities for enforcing House Drainage, and for providing that Drains, Water-closets, Privies, Cesspools, and Ashpits are constructed and kept so as not to be a Nuisance or injurious to Health, and for defraying Expenses incurred by such Commissioners in relation to the Matters aforesaid, by Improvement Rates or Charges for Default, as are hereby given to the Metropolitan Commissioners of Sewers within the Limits of their Commission.

Commissioners of Sewers of London may exercise Powers within the City for enforcing House Drainage, &c.

CXLVII. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,) Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number; Words importing the Masculine Gender shall include Females; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Corporations, whether aggregate or sole; the Word "Lands" and the Word "Premises" shall include Messuages, Buildings, Lands, and Hereditaments of any Tenure; the Word "Owner" shall mean the Person for the Time being receiving the Rack Rent of the Lands or Premises in connexion with which the said Word is used, whether on his own Account or as Agent or Trustee for any other Person, or who would so receive the same if such Lands or Premises were let at a Rack Rent; the Word "Month" shall mean Calendar Month; the Word "Commission"

Interpretation of Terms.

Number.

Gender.

"Person."

"Lands."

"Premises."

"Owner."

"Month."

"Commission."

"Commissioners."

"Commissioner."

"Justice."

"Two Justices."

"Arbitrators."

"Oath."

"Street."

"Drain."

"Sewer."

"Parish."

"Union."

"Guardians."

"Managers of the Poor."

"the Clerk, &c."

Term of Act.

sion" shall mean any Commission issued under this Act, and in force for the Time being; the Word "Commissioners" shall mean the Metropolitan Commissioners of Sewers; the Word "Commissioner" shall mean any One of such Commissioners; the Word "Justice" shall mean any Justice of the Peace acting for the Place in which the Matter, or any Part of the Matter, as the Case may be, requiring the Cognizance of the "Justices" arises; the Expression "Two Justices" shall mean Two or more Justices assembled and acting together in Petty Sessions, and in the City of *London* the Lord Mayor or any Alderman, and all Powers given to Two Justices may be exercised by One Stipendiary or Police Magistrate acting in any Police Court; the Word "Arbitrators" shall include a single Arbitrator; and the Words "Arbitrators" and "Arbitrator" shall include an Umpire; the Word "Oath" shall mean and include an Affirmation in the Case of Quakers, and a Declaration in the Case of Persons allowed by Law to make a Declaration in lieu of an Oath; the Word "Street" shall apply to and include any Highway (not being a Turnpike Road), and any Road, Bridge (not being a County Bridge), Lane, Footway, Square, Court, Alley, Passage, whether a Thoroughfare or not, and the Parts of any such Highway, Road, Bridge, Lane, Footway, Square, Court, Alley, or Passage within the Limits of the Commission; the Word "Drain" shall mean and include any Drain of and used for the Drainage of One Building only or Premises within the same Curtilage, and made merely for the Purpose of communicating with a Cesspool or other like Receptacle for Drainage, or with a Sewer into which the Drainage of Two or more Buildings or Premises occupied by different Persons is conveyed; the Word "Sewer" shall mean and include Sewers and Drains of every Description, except Drains to which the Word "Drain" interpreted as aforesaid applies; the Word "Parish" shall mean and include any Liberty, Township, Precinct, or Place maintaining its own Poor, or any Part of a Parish for which a separate Poor Rate may be made; the Word "Union" shall mean and include any Number of Parishes and Parts of Parishes or Places united under the Provisions of any general or local Act of Parliament for the Relief of the Poor; and the Word "Guardians" shall mean the Board of Guardians, Visitors, Directors, or other Persons appointed for managing the Poor of such Union; the Expression "Managers of the Poor" shall mean and include any Directors, Trustees, Guardians, Vestrymen, or other Officers appointed to act in the ordering or Relief of the Poor from the Poor Rate in a Parish under any local Act of Parliament; and the Expressions "the Clerk," "the Treasurer," "the Surveyor," "the Collector," shall mean the Persons respectively appointed or authorized by the Commissioners to execute the Offices of Clerk, Treasurer, Surveyor, and Collector.

CXLVIII. And be it enacted, That this Act shall continue in force for Two Years next after the passing thereof, and thence to the End of the then next Session of Parliament.

CXLIX. And

CXLIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Metropolitan
Commission of
Sewers.

AN Assessment to the District Sewers Rate for
the *[name the District]* made at a Court of Sewers
holden this Day of 18 , after
the Rate of in the Pound, by virtue of an Act passed in
the Year of the Reign of Queen Victoria, intituled *[here
insert the Title of this Act]*.

No. on the Rate.	Name of Occupier.	Name of Owner.	Description of Property.	Name or Situation of Property.	Rateable annual Value.	Rate at in the Pound.

Signed by us, this Day of 18 .

A.B.
C.D.
E.F.
G.H.
I.K.
L.M.

}

Metropolitan Commissioners
of Sewers.

SCHEDULE (B.)

Form of Mortgage of Rates.

Mortgage, Number ()
By virtue of an Act passed in the Year of the Reign
of Queen Victoria, intituled *[here insert the Title of this Act]*, the
Metropolitan Commissioners of Sewers, in consideration of the
Sum of paid to the Treasurer of the said Commissioners
by *A.B.* of for the Purposes of the said Act, do grant and
assign unto the said *A.B.*, his Executors, Administrators, and
Assigns, all the Monies arising and to arise from the several
Rates *[or the District Sewers Rate for the [here name the District
or Districts], as the Case may be, or such other Rate or Rates as
shall be agreed to be mortgaged, sufficiently describing the same]*, by
the said Act authorized to be made, to hold to the said *A.B.*,
his Executors, Administrators, and Assigns, from the Day of the
Date hereof until the said Sum of with Interest at the
Rate of per Centum per Annum for the same, shall be
fully paid and satisfied; and it is hereby declared that the said
Principal

Principal Sum shall be repaid on the Day of
and that in the meantime the Interest thereof shall be paid on
the Day of and the Day of in
every Year.

In witness whereof the said Commissioners have hereunto set
their Seal, this Day of One thousand eight
hundred and .

SCHEDULE (C)

Form of Transfer of Mortgage.

I *A.B.* of in consideration of the Sum of
Pounds paid to me by *C.D.* of do hereby transfer to
the said *C.D.*, his Executors, Administrators, and Assigns, a
certain Mortgage, Number , bearing Date the
Day of and made by the Metropolitan Commissioners
of Sewers to for securing the Sum of and
Interest [*or if such Transfer be by Indorsement on the Mortgage*
insert, instead of the Words after "Assigns," the within Security,
and all my Property, Right, and Interest in and to the Money
thereby secured, and in and to the Monies thereby assigned.
In witness whereof I have hereunto set my Hand and Seal,
this Day of One thousand eight hundred
and

A.B. (L.S.)

SCHEDULE (D.)

Form of Order to permit Execution of Works by Owners.

County of } WHEREAS Complaint hath been made to me, E.F.
to wit. } Esquire, One of Her Majesty's Justices of the
Peace in and for [the County or Jurisdiction] of
by A.B., Owner, within the Meaning of an Act passed in the
Year of the Reign of Queen Victoria, intituled [*here
insert the Title of this Act*], of certain Premises, to wit, a House
[*as the Case may be*] situate in Street [*as the Case may
be*] in the Parish of in the said [County, &c.,] that
C.D., the Occupier of the said Premises, doth prevent the said
A.B. from carrying into effect the Provisions of the said Act in
this, to wit, that he the said C.D. doth prevent the said A.B.
from [*here describe the Works generally according to Circumstances*]:
And whereas the said C.D. having been duly summoned to
answer the said Complaint, and not having shown sufficient
Cause against the same, and it appearing to me that the said
Works are necessary for the Purpose of enabling the said A.B.
to carry into effect the Provisions of the said Act, I do hereby
order that the said C.D. do permit the said A.B. to execute
the same in the Manner required by the said Act.

Given under my Hand and Seal, this Day of
in the Year of our Lord One thousand eight hundred and .
E.F. (L.S.)

E.F. (L.S.)

SCHE-

SCHEDULE (E.)

Form of Warrant of Distress.

Metropolitan Commission } To One of the Collectors of the
of Sewers. } Metropolitan Commissioners of Sewers,
and to all Constables and Peace Officers.

THESE are to require you or any of you forthwith to levy the Sum of Pounds due from *A.B.* of and also the Sum of Pounds the Costs of proceeding to obtain this Warrant, and the Costs, Charges, and Expenses of taking, keeping, removing, appraising, and selling the Distress, by Distress and Sale of the Goods and Chattels of the said *A.B.* (such Goods and Chattels being kept for the Space of Five Days before the same are sold), rendering to the said *A.B.* the Overplus (if any), on Demand; and if no sufficient Distress can be found of the Goods and Chattels of the said *A.B.*, then you are to certify the same to us, together with this Warrant, to the end such further Proceedings may be had therein as to the Law doth appertain.

Given under the Seal of the Metropolitan Commissioners of Sewers, this Day of One thousand eight hundred and (L.S.)

SCHEDULE (F.)

Acts to be repealed.

Holborn and Finsbury.

18 Geo. 3. c. 66.—An Act for making proper Drains and Sewers for the Purpose of carrying off the Water from the Prebendal Estate of Halliwell and Finsbury in the Suburbs of the City of London; and for other Purposes therein mentioned.

54 Geo. 3. c. 219.—An Act to amend an Act made in the Eighteenth Year of His present Majesty, for making Drains and Sewers for carrying off the Water from the Prebendal Estate of Halliwell and Finsbury in the Suburbs of the City of London, and for other Purposes therein mentioned; and to extend some of the Provisions thereof to Part of the Holborn Division in the County of Middlesex.

Westminster and Part of Middlesex.

47 Geo. 3. s. 1. c. 7.—An Act to enlarge the Powers and extend the Jurisdiction of the Commissioners of Sewers for the City and Liberty of Westminster and Part of the County of Middlesex.

52 Geo. 3. c. 48.—An Act for empowering the Commissioners of Sewers for the City and Liberty of Westminster and Part of the County of Middlesex to purchase a Messuage and Premises for holding their Meetings, and for enlarging the Powers of the said Commissioners.

7 & 8 Geo. 4. c. 23.—An Act to empower the Commissioners of Sewers for the City and Liberty of Westminster and Part of
[No. 61. Price 2d.] 3 P the

the County of Middlesex to purchase certain Premises situate at the Corner of Sun Court in Curzon Street in the Parish of Saint George Hanover Square in the said City and Liberty, and for other Purposes relating thereto.

10 & 11 Vict. c. 70.—An Act to explain and amend the Laws of Sewers relating to the City and Liberty of Westminster and Part of the County of Middlesex.

Surrey, East Mouldsey to Ravensborne.

49 Geo. 3. c. 183.—An Act for making new Sewers and Drains, and amending the present Sewers and Drains, within certain Districts under the Jurisdiction of the Commissioners of Sewers for the Limits extending from East Mouldsey in Surrey to Ravensborne in Kent, and for other Purposes relating to the Execution of the Commission of Sewers for the said Limits.

50 Geo. 3. c. 144.—An Act for amending, enlarging, and extending the Powers of an Act passed in the last Session of Parliament relating to the Execution of the Commission of Sewers for the Limits from East Mouldsey in Surrey to Ravensborne in Kent.

53 Geo. 3. c. 79.—An Act for amending, enlarging, and extending the Powers of Two several Acts passed in the Forty-ninth and Fiftieth Years of His present Majesty, relating to the Execution of the Commission of Sewers for the Limits extending from East Mouldsey in Surrey to Ravensborne in Kent.

10 & 11 Vict. c. 217. — An Act to facilitate the effectual Drainage of certain Districts within the Commission of Sewers for the Limits extending from East Mouldsey in Surrey to Ravensborne in Kent.

CAP. CXIII.

An Act for the further Amendment of the Acts relating to the *Dublin* Police. [4th September 1848.]

‘ **W**HEREAS an Act was passed in the Forty-eighth Year
 ‘ of the Reign of His late Majesty King *George* the Third,
 ‘ for the more effectual Administration of the Office of a Justice
 ‘ of the Peace, and for the more effectual Prevention of Felonies
 ‘ within the District of *Dublin* Metropolis, and the said Act was
 ‘ amended by an Act passed in the Fifth Year of the Reign of
 ‘ King *George* the Fourth: And whereas another Act was passed
 ‘ in the Session of Parliament holden in the Sixth and Seventh
 ‘ Years of the Reign of King *William* the Fourth, whereby a
 ‘ new and more efficient System of Police was established within
 ‘ the Limits of the said District: And whereas by several Acts
 ‘ passed in the First Year, and in the Sessions of Parliament
 ‘ holden respectively in the First and Second, Second and
 ‘ Third, and Third and Fourth Years of Her present Majesty’s
 ‘ Reign, the Limits of the said District were altered, and divers
 ‘ Enactments made in reference to the said District, and for
 ‘ the more effectual Maintenance and Regulation of the Police
 ‘ therein:

‘ therein : And whereas by an Act of the Fifth Year of Her
 ‘ said Majesty’s Reign, intituled *An Act for improving the Dublin* 5 & 6 Vict. c. 24.
 ‘ *Police*, further Provisions were made relating to the same :
 ‘ And whereas it is expedient to amend certain of the Pro-
 ‘ visions of the said Acts in manner following : And whereas an
 ‘ Act was passed in the Parliament of *Ireland* in the ‘Thirty-
 ‘ seventh Year of the Reign of His late Majesty King *George*
 ‘ the Third, intituled *An Act for amending and reducing into One* 37 G. 3. (1.)
 ‘ *Act of Parliament the Laws relating to Hackney and other Car-*
 ‘ *riages plying in the City of Dublin, its Suburbs and Liberties and*
 ‘ *within Seven Miles thereof*, which Act has been amended by
 ‘ several subsequent Acts : And whereas by the said recited Acts
 ‘ of the Thirty-seventh and Forty-eighth Years of the Reign of
 ‘ His late Majesty King *George* the Third it is, amongst other
 ‘ things, provided, that the Superintendent Magistrate and Divi-
 ‘ sional Justices appointed under the said Acts respectively shall
 ‘ retain and employ certain Clerks and other Officers, under
 ‘ the Regulations therein mentioned, and it is expedient to
 ‘ amend the said Provisions :’ Be it therefore enacted by the
 Queen’s most Excellent Majesty, by and with the Advice and
 Consent of the Lords Spiritual and Temporal, and Commons,
 in this present Parliament assembled, and by the Authority of
 the same, That from and after the passing of this Act the Power
 of Appointment of all such Clerks and Officers as aforesaid, and
 of all other Clerks in the Police Department of the Police Dis-
 trict of *Dublin* Metropolis, or in the Department relating to such
 Hackney or other Carriages as aforesaid, or to the Receipt of
 Rents, Fines, Penalties, or Monies in respect of the same, shall
 be vested in the Chief Secretary or the Under Secretary for the
 Time being of the Lord Lieutenant or other Chief Governor
 or Governors of *Ireland*, and not in the Divisional Justices or
 any of them.

Appointment of
 Clerks and Offi-
 cers in Dublin
 Police Offices
 vested in the
 Chief or Under
 Secretary of
 Lord Lieu-
 tenant.

II. ‘ And whereas by the said recited Act of the Second and
 ‘ Third Years of the Reign of Her present Majesty it is,
 ‘ amongst other things, enacted, that in any Case where the
 ‘ Value of any House or Tenement assessed under the said Act
 ‘ shall not amount to Five Pounds, if the Occupier and his
 ‘ Immediate Lessor, by any Writing under their Hands, shall
 ‘ require, and if the said Justices shall by a Minute agree
 ‘ thereto, such Immediate Lessor shall be rated instead of such
 ‘ Occupier, and such Rebate from the Rate may be made (not
 ‘ exceeding Ten *per Centum*) as the said Justices shall by such
 ‘ Minute allow, and subject to such further Regulations as in
 ‘ the said Act contained :’ Be it enacted, That in any Case
 where the Immediate Lessor of any House or Tenement may
 under the said recited Act be rated instead of the Occupier, if
 at the Time of making any Rate the Name of such Immediate
 Lessor be not accurately known to the Persons making the
 Rate it shall be sufficient to describe him therein as “the Imme-
 diate Lessor,” with or without any Name or further Addition ;
 and such Rate shall be held to be duly made on him or her by
 such Description, and shall be recoverable from him or her

Immediate
 Lessor rated
 under 2 & 3 Vict.
 c. 78. may be
 described as the
 “ Immediate
 Lessor ” in
 certain Cases.

accordingly, notwithstanding any Error or Defect in his or her Name or Description, or the entire Omission of such Name therein.

Powers for the Recovery of Police Tax.

Divisional Justices of Police District in Dublin to have same Powers within Dublin Metropolis as Justices have in any County in Ireland.

Power to Divisional Justices to reduce the Fines upon Licences in respect of Carriages under Irish Act 37 G. 3., and to increase the same again.

III. And be it enacted, That from and after the passing of this Act it shall and may be lawful for the several Collectors authorized or appointed to receive the Police Tax or Rate under the Provisions of the said recited Acts or any of them (after such Demand made as in the said recited Act of the Second and Third Years of Her present Majesty's Reign mentioned,) in addition to all other Modes and Powers heretofore provided by any former Act or Acts, to collect, levy, sue for, and recover the said Police Tax or Rate, or any Part of the same, from all and every Persons and Person who now are or is or hereafter shall be liable to pay the same, by all the Ways and Means, and with the like Remedies and Powers in case of Nonpayment, as the Grand Jury Cess, or the Money apportioned on the several Persons liable to pay the same, may be collected and levied in any County in *Ireland*; and the Divisional Justices of the Police District of *Dublin Metropolis* or any One of them shall, for the Purposes of raising, levying, or enforcing Payment of such Police Tax or Rate, have and exercise the same Powers, Authorities, and Jurisdiction within the Police District of *Dublin Metropolis* as any Justice or Justices of the Peace of any County in *Ireland* has or have or can or shall lawfully have or exercise within his or their respective County with respect to any Grand Jury Cess to be raised within the same.

IV. ' And whereas by the said recited Act of the Parliament of *Ireland* passed in the Thirty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to Hackney and other Carriages plying in the City of Dublin, its Suburbs and Liberties, and within Seven Miles thereof*, it is, amongst other things, enacted, that it shall be lawful for the Superintendent Magistrate, in case he shall see Occasion, from Time to Time to alter and increase the Fines to be paid or the Rents to be reserved upon the Licences by him granted under the said Act now in recital, provided the same be not increased above One Fourth Part more than the Fines and Rents therein-before particularly mentioned and expressed, and to make such Rules, Orders, and Regulations for the Purpose as to him shall seem meet, and to alter, vary, amend, or annul the same, provided every such Alteration, Rule, Order, and Regulation respecting the Fines or Rents so made by the Superintendent Magistrate shall be approved of by the Lord Chancellor or Lords Commissioners of the Great Seal, and the Chief Judges, or any Three of them: And whereas no Power is thereby given to reduce the said Fines or Rents, and it is expedient that such Power should be given: Be it therefore enacted, That it shall be lawful for the Divisional Justices of the said Police District, in case they shall think fit, with the Approval of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, from Time to Time to reduce the Fines

to be paid or the Rents to be reserved upon the Licences heretofore granted or hereafter to be granted in respect of any Carriages under the said last-recited Act, or any Act amending the same, or afterwards from Time to Time, with like Approval, to increase the same as they may see fit, provided that any such Fines or Rents shall not be increased so as at any Time to exceed the Amount now payable for the same.

V. And be it enacted, That from and after the passing of this Act it shall be lawful for the Commissioners of Police of *Dublin*, with the written Approval of the Chief or Under Secretary of the Lord Lieutenant of *Ireland*, from Time to Time to appoint or to alter, as Occasion may require, the Stands or Stations for Hackney or other Carriages, and also Stations commonly called Hazzards for the same, within the Borough of *Dublin* and the District adjoining the same, as defined in the said last-recited Act, or any Act amending the same.

Power to Commissioners of Police to alter Hackney Coach Stands.

VI. And be it enacted, That, notwithstanding anything in the said last-recited Act or any Act or Acts, it shall and may be lawful for the said Commissioners of Police to license any Metropolitan Stage Carriage or Omnibus to ply or carry Passengers between any Part of the Borough of *Dublin* and any other Part of the said Borough or of the District adjoining the same as defined under the said recited Act of the Thirty-seventh Year of King *George* the Third, or any Act amending the same, or between any Part of the said District and any other Part of the said District, and to fix such Rates of Fines and Rents to be paid in respect of such Licence of any such Metropolitan Stage Carriage or Omnibus, as the said Commissioners shall deem fit, and as shall be approved by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*; provided that such Rents and Fines shall not exceed the highest Rate of Rent or Fine now or for the Time being payable in respect of any other Hackney Carriage in *Dublin*, and no other Duty shall be payable for the same; and the Provisions of the said last-recited Act, and of any Act or Acts amending the same, shall extend and apply to such Carriages, and to such Rents and Fines, so far as the same are applicable and not repugnant to this Act.

Power to Commissioners of Police to license any Stage Carriage or Omnibus to ply in Dublin or the District adjoining.

VII. And be it enacted, That it shall be lawful for the said Commissioners to grant a Licence to act as Driver of Hackney, Job, and other Carriages licensed for the Accommodation and Conveyance of Passengers, or as Driver or as Conductor of Metropolitan Stage Carriages or Omnibuses, (as the Case may be,) to any Person who shall produce such a Certificate as shall satisfy the said Commissioners of his good Behaviour and Fitness for such Situation respectively; provided always, that no Person shall be licensed as such Driver as aforesaid who is under Sixteen Years of Age; and in every such Licence shall be specified the Number of such Licence and the proper Name and Surname, and Place of Abode, and Age, and a Description of the Person to whom such Licence shall be granted; and every such Licence shall bear Date on the Day on which the same shall be granted, and shall continue in force until and upon the Thirty-first Day

Power to Commissioners to grant Licences to Drivers of Hackney Carriages, &c.

At the Time of granting Licence an Abstract of the Laws and a Ticket to be given to Driver, &c.

A Fee of 2s. 6d. to be paid for Licences granted under this Act, and 1s. for every Renewal.

Penalty on Persons acting as Drivers, &c. without having Licence and Ticket ;

and on Proprietors suffering Persons to act as Drivers or Conductors not being licensed.

of *December* next after the Date thereof, or if granted in the Month of *November* or *December* in any Year then to continue in force until and upon the Thirty-first Day of *December* in the Year next following that in which the same shall be granted, except in either Case the same shall be sooner revoked, and except the Time (if any) during which any such Licence shall be suspended ; and on every Licence of a Driver or Conductor the said Commissioners shall cause proper Columns to be prepared, in which every Proprietor (if any) employing the Driver or Conductor named in such Licence shall enter his own Name and Address, and the Days on which such Driver or Conductor shall enter and shall quit his Service respectively ; and in case any of the Particulars entered or endorsed upon any Licence in pursuance of this Act shall be erased or defaced, every such Licence shall be wholly void and of none Effect ; and the said Commissioners shall, at the Time of granting any Licence, deliver to the Driver or Conductor to whom the same shall be granted an Abstract of the Laws in force relating to such Driver or Conductor, and of the Penalties to which he is liable for any Misconduct, and also a Metal Ticket, upon which there shall be marked or engraved his Office or Employment, and a Number corresponding with the Number which shall be inserted in such Licence.

VIII. And be it enacted, That there shall be charged upon and in respect of every such Licence to be granted under the Authority of this Act, except as herein-after provided, a Fee of Two Shillings and Sixpence, and upon every Renewal of such Licence a Sum of One Shilling, to be paid to the said Commissioners, and to be by them applied, after Payment of the Expense of such Ticket, for the Purposes of the said Police Tax or Rate.

IX. And be it enacted, That from and after the First Day of *January* in the Year One thousand eight hundred and forty-nine it shall not be lawful for any Person to act as Driver of any Hackney or other Carriage as aforesaid, or as Driver or Conductor of any Metropolitan Stage Carriage or Omnibus, whether such Person shall or shall not be the Proprietor of such Carriage, within the Limits of the said Police District, unless in each Case such Person shall have a Licence so to do, and a numbered Ticket granted to him under the Authority of this Act, and remaining in force ; and after the Day last aforesaid every Person who shall act as such Driver or Conductor without such Licence and Ticket, and also every Person to whom a Licence and Ticket shall have been granted, who shall, except in compliance with the Provisions of this Act, transfer or lend such Licence, or permit any other Person to use or wear such Ticket, shall for every such Offence forfeit a Sum not exceeding Forty Shillings ; and every Proprietor who shall knowingly suffer any Person not duly licensed under the Authority of this Act to act as Driver of any Hackney or other Carriage as aforesaid, or as Driver or as Conductor of any Metropolitan Stage Carriage or Omnibus, of which he shall be the Proprietor, shall for every such

such Offence forfeit a Sum not exceeding Forty Shillings : Pro-
 vided always, that nothing herein-before contained shall subject
 to any Penalty any Proprietor who shall employ any unlicensed
 Person to act as such Driver or Conductor as aforesaid for any
 Time not exceeding Twenty-four Hours, or any unlicensed Per-
 son who shall be so employed for the said Time, upon Proof
 being adduced by the Proprietor, to the Satisfaction of the
 Justice before whom such Proprietor, Driver, or Conductor
 shall be required to attend to answer for such Offences respec-
 tively, that such Employment was occasioned by unavoidable
 Necessity; and that every Proprietor who shall so employ such
 unlicensed Driver or Conductor, and every such unlicensed
 Driver or Conductor, shall be subject to all the Powers, Provi-
 sions, and Proceedings of and under this Act for any Act done
 by such Driver or Conductor during such Employment, in like
 Manner as if such Driver or Conductor had been duly licensed.

X. And be it enacted, That before any such Licence as afore-
 said shall be granted, a Requisition for the same, in such Form
 as the said Commissioners shall from Time to Time appoint for
 that Purpose, and accompanied with such Certificate as herein-
 before is required, shall be made and signed by the Person by
 whom such Licence shall be required, and in every such Requi-
 sition all such Particulars as the said Commissioners shall require
 shall be truly set forth; and every Person applying for or at-
 tempting to procure any such Licence, who shall make or cause
 to be made any false Representation in regard to any of the said
 Particulars, or who shall endeavour to obtain a Licence by any
 forged Recommendations, or who shall not truly answer all
 Questions which shall be demanded of him in relation to such
 Application for a Licence, and also every Person to whom
 Reference shall be made who shall in regard to such Application
 wilfully and knowingly make any Misrepresentation, shall forfeit
 for every such Offence a Sum not exceeding Forty Shillings;
 and it shall be lawful for the said Commissioners to proceed for
 recovering of such Penalty before any Divisional Justice at any
 Time within One Calendar Month after the Commission of the
 Offence, or during the Currency of the Licence so improperly
 obtained.

XI. And be it enacted, That as often as any Driver or Con-
 ductor shall change his Place of Abode he shall give Notice
 thereof in Writing signed by him to the said Commissioners,
 specifying in such Notice his new Place of Abode, and shall at
 the same Time produce his Licence to the said Commissioners,
 who shall endorse thereon a Memorandum specifying the Par-
 ticulars of such Change; and every Driver or Conductor who
 shall change his Place of Abode, and shall neglect for Two
 Days to give Notice of such Change, and to produce his Licence
 in order that such Memorandum as aforesaid may be endorsed
 thereon, shall forfeit for every such Offence a Sum not exceeding
 Forty Shillings; and it shall be lawful for the said Commis-
 sioners, or any Person employed by them for that Purpose, to

Proviso.

Persons apply-
 ing for Licences
 to sign a Requi-
 sition, accom-
 panied with a
 Certificate, for
 the same.

Penalty on Per-
 sons making
 false Repre-
 sentation.

When Drivers
 or Conductors
 change their
 Residence, they
 shall give No-
 tice to Commis-
 sioners.

aforesaid, or of a Metropolitan Stage Carriage or Omnibus, shall be summoned to produce the Driver or Conductor of such Carriage before a Divisional Justice of the Peace, he shall also produce the Licence of such Driver or Conductor, if at the Time of receiving the Summons such Driver or Conductor shall be in his Service; and if any Driver or Conductor complained of shall be adjudged guilty of the Offence alleged against him, the Justice of the Peace before whom he shall be convicted shall in every Case endorse upon the Licence of such Driver or Conductor the Nature of the Offence and the Amount of the Penalty inflicted; and every Proprietor who shall neglect to require to be delivered to him and to retain in his Possession the Licence of any Driver or Conductor during such Period as such Driver or Conductor shall remain in his Service, or who shall refuse or neglect to produce such Licence as aforesaid, shall for every such Offence forfeit a Sum not exceeding Forty Shillings.

Magistrates to hear and determine Disputes.

XVIII. And be it enacted, That it shall be lawful for any such Divisional Justice to hear and determine all Matters of Complaint between any Proprietor of a Hackney or other Carriage as aforesaid, or Metropolitan Stage Carriage or Omnibus, and the Driver or Conductor of the same respectively, and to order Payment of any Sum of Money that shall appear to be due to either Party for Wages or for the Earnings in respect of any such Carriage, or on account of any Deposit of Money, and to order Compensation to the Proprietor in respect of Damage or Loss which shall have arisen through the Neglect or Default of any Driver or Conductor to the Property of his Employer intrusted to his Care, or in respect of any Sum of Money which such Proprietor may have been lawfully ordered by a Divisional Justice of the Peace to pay, and which has been actually paid pursuant to such Order, on account of the Negligence or wilful Misconduct of his Driver or Conductor, and to order such Compensation to either Party in respect of any other Matter of Complaint between them as to such Justice shall seem proper; and any Money ordered to be paid as aforesaid may be recovered in like Manner as any Penalty under this Act.

Agreements between Drivers, &c. and Proprietors to be in Writing.

XIX. Provided always, and be it enacted, That it shall not be lawful, either in any Court of Law or before any Divisional Justice of the Peace, to enforce the Payment of any Sum of Money claimed from any Driver or Conductor by any Proprietor on account of the Earnings of any Hackney Carriage or other Carriage as aforesaid, or Metropolitan Stage Carriage or Omnibus, unless under an Agreement in Writing which shall have been signed by such Driver or Conductor in the Presence of a competent Witness; and no such Agreement shall be liable to any Stamp Duty.

Proceedings with respect to Licences on quitting Service.

XX. And be it enacted, That when any licensed Driver or Conductor shall leave the Service of any Proprietor, such Proprietor shall, upon Demand thereof, return to him his Licence: Provided always, that if the said Proprietor shall have any Complaint against the said Driver or Conductor it shall be lawful for such Proprietor to retain the Licence for any Time

not

not exceeding Twenty-four Hours after the Demand thereof, and within that Time to apply to the Police Court of the District in which the said Proprietor shall dwell, for a Summons against him; and the said Proprietor, at the Time of applying for the Summons, shall deposit the Licence with the Clerk of such Police Court or Divisional Justice; and in case any Proprietor who, upon Demand thereof, shall have refused or neglected to deliver to any Driver or Conductor his Licence, shall not within Twenty-four Hours, exclusive of *Sunday*, or any Day on which the Police Court shall not sit, apply for such Summons, and deposit the Licence as aforesaid, or shall not appear to prosecute his Complaint at the Time mentioned in the Summons, it shall be lawful for such Driver or Conductor to apply at the same Police Court, or to some Divisional Justice as aforesaid, for a Summons against such Proprietor; and upon hearing and deciding the Case, the Justice, if he shall think there was no just Cause for detaining the Licence, or that there has been needless Delay on the Part of the Proprietor in bringing the Matter to a Hearing, shall have Power to order the said Proprietor to pay such Compensation to the said Driver or Conductor as the said Justice shall think reasonable; and Payment of such Compensation shall be enforced in the same Manner as any Penalty may be enforced under the said recited Act of the Fifth Year of Her Majesty's Reign; and the Justice shall cause the Licence to be delivered to the said Driver or Conductor, unless any Misconduct shall be proved against him, by reason whereof the Justice shall think that such Licence shall be revoked or suspended; and so long as any Proprietor shall neglect to apply for such Summons and deposit the Licence, after Demand thereof, any Divisional Justice of the Peace may in like Manner from Time to Time order Compensation to be paid by him to the same Driver or Conductor; and no Proprietor shall, under any Pretence or by virtue of any Claim whatever, retain beyond the Time aforesaid the Licence of his Driver or Conductor.

XXI. And be it enacted, That it shall be lawful for any such Divisional Justice of the Peace before whom any Driver or Conductor shall be convicted of any Offence, whether under this Act or any other Act, if such Justice, in his Discretion, shall think fit, to revoke the Licence of such Driver or Conductor, and also any other Licence which he shall hold under the Provisions of this Act, or to suspend the same for such Time as the Justice shall think proper, and for that Purpose to require the Proprietor, Driver, or Conductor in whose Possession such Licence, and the Ticket thereunto belonging, shall then be, to deliver up the same; and every Proprietor, Driver, or Conductor who, being so required, shall refuse or neglect to deliver up such Licence and any such Ticket or either of them, shall forfeit, so often as he shall be so required and refuse or neglect as aforesaid, a Sum not exceeding Forty Shillings; and the Justice shall forthwith send such Licence and Ticket to the Commissioners, who shall cancel such Licence, if it has been revoked by the Justice, or if it has been suspended shall at the End of the Time

Licences may be revoked or suspended by Justices.

Penalty on Person acting as Driver, whether licensed or not, without Consent of Proprietor.

Time for which it shall have been suspended redeliver such Licence, with the Ticket, to the Person to whom it was granted.

XXII. And be it enacted, That every Driver or Conductor authorized by any Proprietor to act as Driver of any Hackney or other Carriage as aforesaid, or as Driver or Conductor of any Metropolitan Stage Carriage or Omnibus, who shall suffer any other Person to act as Driver of such Hackney or other Carriage, or as Driver or Conductor of such Metropolitan Stage Carriage or Omnibus, without the Consent of the Proprietor thereof, and also every Person, whether duly licensed or not, who shall act as Driver or as Conductor of any such Carriage, without the Consent of the Proprietor thereof, shall forfeit the Sum of Forty Shillings; and every Driver or Conductor charged with such Offence, who, when required by a Divisional Justice of the Peace so to do, shall not truly make known the Name and Place of Abode of the Person so suffered by him to act as Driver or Conductor without Consent of the Proprietor, and also the Number of the Ticket of such Person (if licensed), shall be liable to a further Penalty of Forty Shillings; and it shall be lawful for any Police Constable, without any Warrant for that Purpose, to take into Custody any Person unlawfully acting as a Driver or as a Conductor, and to convey him before any Divisional Justice of the Peace, to be dealt with according to Law, and also, if necessary, to take charge of the Carriage and every Horse in charge of such Person, and to deposit the same in some Place of safe Custody until the same can be applied for by the Proprietor.

Punishment for furious Driving and wilful Misbehaviour.

XXIII. And be it enacted, That every Driver of a Hackney Carriage or other Carriage as aforesaid, or Driver or Conductor of a Metropolitan Stage Carriage or Omnibus, who shall be guilty of wanton or furious Driving, or who by Carelessness or wilful Misbehaviour shall cause any Hurt or Damage to any Person or Property, being in any Street or Highway, and also every Driver or Conductor who during his Employment shall be drunk, or shall make use of any insulting or abusive Language, or shall be guilty of any insulting Gesture or any Misbehaviour, shall for every such Offence forfeit a Sum not exceeding Forty Shillings; or it shall be lawful for the Justice before whom such Complaint shall be brought, if in his Discretion he shall think proper, instead of inflicting such Penalty, forthwith to commit the Offender to Prison for any Period not exceeding Two Calendar Months, with or without hard Labour, as the Justice shall direct; and in every Case where any such Hurt or Damage shall have been caused, the Justice, upon the Hearing of the Complaint, may adjudge as and for Compensation to any Party aggrieved as aforesaid a Sum not exceeding Five Pounds, and may order the Proprietor of the Hackney Carriage or Metropolitan Stage Carriage the Driver or Conductor of which shall have caused such Hurt or Damage forthwith to pay such Sum, and also such Costs as shall have been incurred, and Payment thereof may be enforced against such Proprietor as any Penalty or Sum of Money may be recovered under and by virtue of this Act;

Act; and any Sum which shall be so paid by the Proprietor shall in like Manner be recovered in a summary Way before a Justice of the Peace from the Driver or Conductor through whose Default such Sum shall have been paid, upon Proof of the Payment thereof pursuant to the Order of the Justice; or it shall be lawful for the Justice, in the first instance, to adjudge the Amount of such Compensation to be paid by such Driver or Conductor to the Party aggrieved.

XXIV. And be it enacted, That in every Case where there shall be more than One Proprietor of any Hackney or other Carriage as aforesaid, or Metropolitan Stage Carriage or Omnibus, it shall be sufficient, in any Information, Summons, Order, Conviction, Warrant, or any other Proceeding under the Provisions of this Act or of the said recited Act of the Reign of His late Majesty, to name One of such Proprietors, without Reference to any other or others of them, and to describe and proceed against him as if he were sole Proprietor.

Providing for Cases where there are more Proprietors than One.

XXV. And be it enacted, That all Complaints under this Act may be heard and all Penalties incurred under this Act may be recovered by or before One or more of the said Divisional Justices of the Peace in like Manner and subject to like Provisions as Penalties under the Provisions of the said recited Act of the Fifth Year of the Reign of Her Majesty may be recovered; and it shall be lawful for any Divisional Justice of the Peace by whom any Person shall be convicted of any Offence under this Act, or under the said recited Act of the Thirty-seventh Year of the Reign of King *George* the Third, or any Act or Acts amending the same, or relating to Hackney or other Carriages as aforesaid, or under any Rules, Orders, Bye Laws, or Regulations made pursuant to the said Acts or any of them, to lessen the Penalty or Term of Imprisonment in such Manner as he may think fit.

Power to mitigate Penalties.

XXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. CXIV.

An Act to prevent District Auditors from taking Proceedings in certain Cases. [4th September 1848.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That nothing contained in any Act passed in this present Session of Parliament for making Provision for the Payment of Parish Debts, the Audit of Parochial and Union Accounts, and the Allowance of certain Charges therein, shall authorize any District Auditor to proceed to recover any Sum certified by him to be due in respect of which Proceedings in any Court or before any Justice or Justices shall have been taken and determined before the passing of this Act.

Nothing in any Act passed this Session as to Payment of Parish Debts, &c. shall authorize Auditor to proceed to recover Sums certified by him to be due, &c.

CAP. CXV.

An Act to vest in Her Majesty the Property of the *Irish Reproductive Loan Fund Institution*, and to dissolve the said Institution. [4th September 1848.]

‘ WHEREAS great Distress prevailed in *Ireland* in the Year
 ‘ One thousand eight hundred and twenty-two, and a
 ‘ Committee of Relief was formed in the City of *London*, which,
 ‘ with the Aid of the King’s Letter, raised a Sum of Three
 ‘ hundred and eleven thousand and eighty-one Pounds Five
 ‘ Shillings and Seven-pence, by Subscription, for the suffering
 ‘ Poor; and from the Residue of the said Subscription, after
 ‘ affording Relief during the Scarcity of Food, the said Com-
 ‘ mittee appropriated Sums, amounting in the whole to the Sum
 ‘ of Fifty-five thousand one hundred and eighty-five Pounds
 ‘ Six Shillings and Eleven-pence, to be lent at Interest to the
 ‘ industrious Poor in the several Counties of *Clare, Cork, Gal-*
 ‘ *way, Kerry, Leitrim, Limerick, Mayo, Roscommon, Sligo, and*
 ‘ *Tipperary*, in *Ireland*; and the said Committee appointed
 ‘ Trustees in the said several Counties for managing the same,
 ‘ and subjected the same to the general Superintendence of a
 ‘ Board of Directors in *London*; and the said Committee ap-
 ‘ propriated certain Funds for the special Purpose of defraying
 ‘ the Expenses of the said Board of Directors; and the said
 ‘ Charitable Association was subsequently carried on or super-
 ‘ intended by such Committee or the Board of Directors under
 ‘ the Name or Style of “The *Irish Reproductive Loan Fund*
 ‘ *Institution*.” And whereas the several Trustees in the said
 ‘ respective Counties lent out the Monies so intrusted to them,
 ‘ or some Parts thereof, to Local Committees or Associations,
 ‘ by whom the same were applied to the Purposes of the said
 ‘ Charity, as well as to individual Borrowers, and considerable
 ‘ Interest accrued and was received thereon, considerable Sums
 ‘ of which still remain due and outstanding which it is fitting
 ‘ should be recovered and applied under the Provisions of this
 ‘ Act: And whereas from the Residue of the Subscription above
 ‘ mentioned the Sum of Six thousand Pounds was granted by
 ‘ the said Committee of Relief to certain Members of that Com-
 ‘ mittee and others as Trustees, to be expended in the Promo-
 ‘ tion of Agricultural Schools in the Provinces of *Munster* and
 ‘ *Connaught*: And whereas a Portion of that Sum has been
 ‘ expended in *Connaught* for that Purpose, and a Balance of
 ‘ Five thousand Pounds not so expended has been transferred
 ‘ to the Control of the said *Irish Reproductive Loan Fund In-*
 ‘ *stitution* subject to its original Trust and Appropriation, and
 ‘ is included in the Funds, Property, and Money of the said
 ‘ Institution herein-after mentioned: And whereas by an Act
 ‘ passed in the Sixth and Seventh Years of the Reign of Her
 ‘ Majesty, intituled *An Act to consolidate and amend the Laws for*
 ‘ *the Regulation of the Charitable Loan Societies in Ireland*, it was
 ‘ amongst other things enacted, that the Trustees and Agents
 ‘ in

‘ in *Ireland* of the said *Irish* Reproductive Loan Fund Institu-
‘ tion, and every Institution or Society of Persons which then
‘ was or thereafter should be instituted or associated together
‘ in *Ireland* by or in connexion with the said *Irish* Reproductive
‘ Loan Fund Institution, for the Purpose of making charitable
‘ Loans of Money, or for providing, by way of Loan, Imple-
‘ ments of Labour, Seeds, or raw Materials for Manufacture of
‘ Goods to be used or employed in any Trade, should and might
‘ have, exercise, use, and enjoy all the Powers and Authorities,
‘ Rights, and Remedies, in the now-reciting Act contained in
‘ respect to the lending out, recovering, and investing Monies,
‘ and otherwise in relation to their Affairs: Provided always,
‘ that the said *Irish* Reproductive Loan Fund Institution should,
‘ within Six Calendar Months after the passing of the now-
‘ reciting Act, or, in the Case of Trustees and Agents to be
‘ thereafter appointed, and of Societies to be thereafter esta-
‘ blished, within Three Calendar Months after the Appointment
‘ or Establishment thereof, send, under the Hand and Seal of
‘ their Chairman, countersigned by the Secretary or Manager,
‘ to the Secretary of the Loan Fund Board in *Dublin*, a written
‘ List, Description, or Specification of all Trustees and Agents
‘ of the said Society authorized to act in relation to the Affairs
‘ of the said Institution in *Ireland*, and of all such Loan Societies
‘ or Institutions as then were or might thereafter be established
‘ in *Ireland* by or in connexion with the said *Irish* Reproductive
‘ Loan Fund Institution; and it was by the said Act further
‘ provided, that it should not be lawful for any Trustee or Agent
‘ of the said *Irish* Reproductive Loan Fund Institution, or for
‘ any Society claiming Exemption in consequence of their Con-
‘ nexion therewith, to take or hold upon Debentures or other
‘ Securities, or to lend out, under the Provisions of the now-
‘ reciting Act, any Monies Implements, Goods, or Effects, other
‘ than the Monies, Implements, Goods, and Effects of the said
‘ *Irish* Reproductive Loan Fund Institution: And whereas the
‘ said Board of Directors in *London* was in the Month of *July*
‘ One thousand eight hundred and forty-four incorporated by
‘ Royal Charter, constituting them a Body Politic by the Name
‘ of “The *Irish* Reproductive Loan Fund Institution:” And
‘ whereas under the Powers of the said Charter certain Bye
‘ Laws were made and Regulations established or continued for
‘ regulating the Proceedings and Duties of the Boards of Trus-
‘ tees in the said several Counties, and the Securities to be
‘ taken from the said Local Committees or Associations: And
‘ whereas by an Act passed in the Seventh and Eighth Years
‘ of the Reign of Her Majesty, for amending the herein-before
‘ recited Act, after noticing that the said Institution had been
‘ incorporated, it was provided that the Enactments in the said
‘ recited Act contained respecting the said Charitable Loan
‘ Societies in *Ireland*, and the Officers thereof, and the Societies
‘ in connexion therewith, should apply and extend to the said
‘ Corporation, and the Trustees and Officers thereof, and the
‘ Societies in connexion therewith: And whereas the Funds and
‘ Property

CAP. CXV.

An Act to vest in Her Majesty the Property of the *Irish Reproductive Loan Fund Institution*, and to dissolve the said Institution. [4th September 1848.]

‘ WHEREAS great Distress prevailed in *Ireland* in the Year
 ‘ One thousand eight hundred and twenty-two, and a
 ‘ Committee of Relief was formed in the City of *London*, which,
 ‘ with the Aid of the King’s Letter, raised a Sum of Three
 ‘ hundred and eleven thousand and eighty-one Pounds Five
 ‘ Shillings and Seven-pence, by Subscription, for the suffering
 ‘ Poor; and from the Residue of the said Subscription, after
 ‘ affording Relief during the Scarcity of Food, the said Com-
 ‘ mittee appropriated Sums, amounting in the whole to the Sum
 ‘ of Fifty-five thousand one hundred and eighty-five Pounds
 ‘ Six Shillings and Eleven-pence, to be lent at Interest to the
 ‘ industrious Poor in the several Counties of *Clare, Cork, Gal-*
 ‘ *way, Kerry, Leitrim, Limerick, Mayo, Roscommon, Sligo, and*
 ‘ *Tipperary*, in *Ireland*; and the said Committee appointed
 ‘ Trustees in the said several Counties for managing the same,
 ‘ and subjected the same to the general Superintendence of a
 ‘ Board of Directors in *London*; and the said Committee ap-
 ‘ propriated certain Funds for the special Purpose of defraying
 ‘ the Expenses of the said Board of Directors; and the said
 ‘ Charitable Association was subsequently carried on or super-
 ‘ intended by such Committee or the Board of Directors under
 ‘ the Name or Style of “The *Irish Reproductive Loan Fund*
 ‘ *Institution*.” And whereas the several Trustees in the said
 ‘ respective Counties lent out the Monies so intrusted to them,
 ‘ or some Parts thereof, to Local Committees or Associations,
 ‘ by whom the same were applied to the Purposes of the said
 ‘ Charity, as well as to individual Borrowers, and considerable
 ‘ Interest accrued and was received thereon, considerable Sums
 ‘ of which still remain due and outstanding which it is fitting
 ‘ should be recovered and applied under the Provisions of this
 ‘ Act: And whereas from the Residue of the Subscription above
 ‘ mentioned the Sum of Six thousand Pounds was granted by
 ‘ the said Committee of Relief to certain Members of that Com-
 ‘ mittee and others as Trustees, to be expended in the Promo-
 ‘ tion of Agricultural Schools in the Provinces of *Munster* and
 ‘ *Connaught*: And whereas a Portion of that Sum has been
 ‘ expended in *Connaught* for that Purpose, and a Balance of
 ‘ Five thousand Pounds not so expended has been transferred
 ‘ to the Control of the said *Irish Reproductive Loan Fund In-*
 ‘ *stitution* subject to its original Trust and Appropriation, and
 ‘ is included in the Funds, Property, and Money of the said
 ‘ Institution herein-after mentioned: And whereas by an Act
 ‘ passed in the Sixth and Seventh Years of the Reign of Her
 ‘ Majesty, intituled *An Act to consolidate and amend the Laws for*
 ‘ *the Regulation of the Charitable Loan Societies in Ireland*, it was
 ‘ amongst other things enacted, that the Trustees and Agents
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‘ in *Ireland* of the said *Irish* Reproductive Loan Fund Institu-
‘ tion, and every Institution or Society of Persons, which then
‘ was or thereafter should be instituted or associated together
‘ in *Ireland* by or in connexion with the said *Irish* Reproductive
‘ Loan Fund Institution, for the Purpose of making charitable
‘ Loans of Money, or for providing, by way of Loan, Imple-
‘ ments of Labour, Seeds, or raw Materials for Manufacture of
‘ Goods to be used or employed in any Trade, should and might
‘ have, exercise, use, and enjoy all the Powers and Authorities,
‘ Rights, and Remedies, in the now-reciting Act contained in
‘ respect to the lending out, recovering, and investing Monies,
‘ and otherwise in relation to their Affairs: Provided always,
‘ that the said *Irish* Reproductive Loan Fund Institution should,
‘ within Six Calendar Months after the passing of the now-
‘ reciting Act, or, in the Case of Trustees and Agents to be
‘ thereafter appointed, and of Societies to be thereafter esta-
‘ blished, within Three Calendar Months after the Appointment
‘ or Establishment thereof, send, under the Hand and Seal of
‘ their Chairman, countersigned by the Secretary or Manager,
‘ to the Secretary of the Loan Fund Board in *Dublin*, a written
‘ List, Description, or Specification of all Trustees and Agents
‘ of the said Society authorized to act in relation to the Affairs
‘ of the said Institution in *Ireland*, and of all such Loan Societies
‘ or Institutions as then were or might thereafter be established
‘ in *Ireland* by or in connexion with the said *Irish* Reproductive
‘ Loan Fund Institution; and it was by the said Act further
‘ provided, that it should not be lawful for any Trustee or Agent
‘ of the said *Irish* Reproductive Loan Fund Institution, or for
‘ any Society claiming Exemption in consequence of their Con-
‘ nexion therewith, to take or hold upon Debentures or other
‘ Securities, or to lend out, under the Provisions of the now-
‘ reciting Act, any Monies Implements, Goods, or Effects, other
‘ than the Monies, Implements, Goods, and Effects of the said
‘ *Irish* Reproductive Loan Fund Institution: And whereas the
‘ said Board of Directors in *London* was in the Month of *July*
‘ One thousand eight hundred and forty-four incorporated by
‘ Royal Charter, constituting them a Body Politic by the Name
‘ of “The *Irish* Reproductive Loan Fund Institution:” And
‘ whereas under the Powers of the said Charter certain Bye
‘ Laws were made and Regulations established or continued for
‘ regulating the Proceedings and Duties of the Boards of Trus-
‘ tees in the said several Counties, and the Securities to be
‘ taken from the said Local Committees or Associations: And
‘ whereas by an Act passed in the Seventh and Eighth Years
‘ of the Reign of Her Majesty, for amending the herein-before
‘ recited Act, after noticing that the said Institution had been
‘ incorporated, it was provided that the Enactments in the said
‘ recited Act contained respecting the said Charitable Loan
‘ Societies in *Ireland*, and the Officers thereof, and the Societies
‘ in connexion therewith, should apply and extend to the said
‘ Corporation, and the Trustees and Officers thereof, and the
‘ Societies in connexion therewith: And whereas the Funds and
‘ Property

Funds of the Corporation to vest in Her Majesty.

‘ Property of the said Corporation, exclusively of the Balances
 ‘ or Sums of Money herein-after mentioned, now consist of the
 ‘ several Particulars mentioned in the Schedule (A.) to this Act
 ‘ annexed, and in such Schedule are distinguished the Sums
 ‘ arisen from or now constituting the Fund appropriated for
 ‘ defraying Expenses as aforesaid, and the said Corporation is
 ‘ entitled to several Balances or Sums of Money in the Hands
 ‘ or under the Control of the Trustees of the said several Coun-
 ‘ ties in *Ireland*, or of the local Committees or Associations, or
 ‘ Persons, to whom they have lent or intrusted the same: And
 ‘ whereas it has been found that the Business of the said Cor-
 ‘ poration cannot be continued with Advantage to the Public,
 ‘ and the said Corporation have therefore agreed to surrender
 ‘ their Charter, and that their Funds and Property, and the
 ‘ Debts owing to them should be vested in Her Majesty, to be
 ‘ applied as herein-after mentioned:’ Be it therefore enacted
 by the Queen’s most Excellent Majesty, by and with the Advice
 and Consent of the Lords Spiritual and Temporal, and Com-
 mons, in this present Parliament assembled, and by the Autho-
 rity of the same, That all the Funds and Property of the said
 Corporation, and all Funds and Property vested in and all Debts
 due to any Members, Agents, or Trustees of the said Corpora-
 tion, on behalf of the said Corporation, subject as herein-after
 mentioned, and also all Funds and Property of the said Corpo-
 ration vested in or under the Control of any of the said local
 Trustees or local Committees or Associations acting under them
 as aforesaid, or of any Societies in connexion with the said Cor-
 poration, and also all Debts and Sums of Money due to the said
 Corporation from any Persons or Person whomsoever, shall
 immediately after the passing of this Act be vested in Her
 Majesty, and shall and may be sued for and recovered in the
 Name of Her Majesty, Her Heirs or Successors, or by and in
 the Name of any Person or Persons appointed for that Purpose
 by the Commissioners of Her Majesty’s Treasury of the United
 Kingdom of *Great Britain* and *Ireland*, or any Three or more
 of them, by all or any such Proceedings as may by Law be
 adopted or used for recovering Debts or Demands due to any
 Loan Society in *Ireland*, freed however from the Limitation as
 to Amount recoverable in the said recited Acts contained, or by
 such other Proceedings at Law or in Equity as might have been
 adopted or used by the said Corporation for recovering such
 Debts, Funds, Property, and Sums of Money respectively in
 case this Act had not been passed.

Such Funds to be applied to charitable Purposes in certain Counties in *Ireland*.

II. And be it enacted, That any such Funds or Monies be-
 longing to the said Corporation which have been or may be paid
 over to Her Majesty’s Treasury, and all such other Monies as
 aforesaid which under the Provisions of this Act shall be reco-
 vered or received from any Party or Parties in *Ireland*, shall be
 applied and disposed of for such charitable Purposes or Objects
 of public Utility not otherwise provided for in whole or in Part
 by local Rate or Assessment, including the Instruction in and
 the Promotion of Agricultural Science, in the several Counties
 of

of *Leitrim, Sligo, Roscommon, Mayo, Galway, Clare, Limerick, Tipperary, Cork, and Kerry*, in *Ireland*, as the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, with the Consent of the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall from Time to Time direct and appoint, but so nevertheless that the Sums already recovered and hereafter to be recovered from each such County of the Monies originally appropriated thereto, as shown in the Schedule (D.) to this Act annexed, and Profits which have accumulated or may hereafter accumulate thereon, shall be applied to such Purposes within such respective County exclusively: Provided always, that the Sum of Five thousand Pounds, which as appears by Accounts laid before Parliament was specifically appropriated for the Establishment of an Agricultural School of Industry in the Province of *Munster*, shall be received out of the said Fund to be applied in aid of local Funds for the establishing an Agricultural School or Schools in that Province, in such Manner as the Lord Lieutenant of *Ireland*, with the Approval of the Lords of the Treasury, shall direct, such Sum to be applied, so far as possible, in aid of Contributions locally collected for the same Purpose.

III. And be it enacted, That it shall be lawful for the said Corporation, at any Time within Three Calendar Months next after the passing of this Act, to apply so much of the said Sums, mentioned in the said Schedule (A.) as now constituting the Fund appropriated for defraying Expenses as aforesaid, as shall be necessary, in paying the Debts, Liabilities, and Expenses of the said Corporation, and such Compensations to Persons now or heretofore employed by or under the said Corporation, or the said Association before the Incorporation thereof, as the said Corporation shall think reasonable, which said Compensations may be made either by Payment of Sums of Money, or by the Purchase of Annuities, or otherwise; and the said Corporation shall within the said Three Calendar Months deliver to the Commissioners of Her Majesty's Treasury the Bond mentioned in the said Schedule, or such Amount of Principal and Interest as shall have been paid thereon, and transfer and pay over to the said Commissioners the Balance of the several Sums of Stock and Money mentioned in the said Schedule (A.), or of other the Sums of Stock and Money which at the Time of the passing of this Act shall form the Property of the said Corporation, exclusively of so much of the said Balances or Sums of Money, and of the Money owing on the said Bond, which shall not have been realized by the said Corporation, together with all Vouchers, Books, Accounts, and Papers now under their Control and Custody, and relating in any way to the said Charity or any Portion of the Funds under the Control and Management of the said Corporation, except such Vouchers, Accounts, and Papers as the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall think fit to leave in the Possession of the Trustees and local Associations as being necessary to enable such Trustees and local Associations to collect the Funds intrusted to them

Within Three Months after Act passed Corporation may apply certain Sums in Payment of Debts, &c., and Compensations to Officers.

respectively; and upon such Transfer, Payment, and Delivery the said Corporation, and all the present and former Governors and Members thereof, and all the several Persons who were at any Time Members of the Committee of Relief or Charitable Association in *London* previously to the Date of the Charter aforesaid, or of the Board of Directors of the said Charitable Association in *London*, and their respective Estates, shall be fully released and discharged from all Claims and Demands and all Liability whatsoever by or to Her Majesty's Treasury, or any Persons or Person whatever, for or in respect of any Matter or Thing whatsoever connected with or relating to the said Corporation, or the said Committee of Relief or Charitable Association, or the Funds or Property of the said Corporation, or any Funds or Property whatever at any Time vested in or received by the said Committee of Relief or Charitable Association, or any Members or Member, Officers or Servants thereof, or for or in respect of any Matter in anywise connected with the Premises.

Act not to release Trustees from Liabilities.

IV. And be it enacted, That nothing herein contained shall release the Trustees in the said several Counties in *Ireland* from any Liability in respect of the Monies intrusted to them respectively out of the Funds vested in the Governors of the said Corporation, and any Obligation to collect and enforce Payment thereof, and of the Accumulations thereof, as such Trustees respectively would have been subject to in case this Act had not been passed; and the Commissioners of Her Majesty's Treasury, or any Three or more of them, may from Time to Time appoint any Person or Persons to collect and receive from such Trustees, or from the Party or Parties liable to pay the same, such of the Monies hereby vested in Her Majesty as may be payable by such Trustees or other Parties respectively; and the said local Committees, Associations, or other Borrowers shall continue liable to the said Trustees in the same Manner and to the same Extent as if this Act had not been passed, and the Bye Laws and Regulations made, established, or continued under the Authority of the said Charter, so far as the same are consistent with the Provisions of this Act, shall continue to be obligatory on the said Trustees and the said local Committees or Associations respectively, in the same Manner and to the same Extent as if this Act had not passed, but no further, but so nevertheless that no Monies recovered or received by the said Trustees or the said local Committees or Associations shall be re-issued or again advanced on Loan, except such Amounts or Portions of the Sums repaid as may be sanctioned by the Governors of the said Corporation within Three Months from the passing of this Act, or may be hereafter sanctioned by the Commissioners of Her Majesty's Treasury, or by such Person or Persons as the Commissioners of Her Majesty's Treasury may appoint to receive the Monies hereby vested in Her Majesty.

County Trustees, or local Committees, &c. acting under

V. And be it enacted, That notwithstanding the Dissolution of the said Corporation, it shall and may be lawful for any of the said County Trustees in *Ireland*, or any local Committees, Associa-

Associations, or Parties acting under any of the said Trustees in *Ireland*, having lent Monies before the passing of this Act by virtue or in respect of connexion with the said *Irish* Reproductive Loan Fund Institution, or by virtue or in respect of Connexion with any of the said County Trustees thereof, or having lent Monies after the passing of this Act, with the Sanction of the Governors of the said Corporation within such Three Months as aforesaid, or with the Sanction of the Commissioners of Her Majesty's Treasury, or of such Person or Persons as they may appoint to receive the Monies hereby vested in Her Majesty, to use and exercise the Powers, Authorities, Rights, and Remedies contained and provided in any Act or Acts for the Regulation of Charitable Loan Societies in *Ireland* for the Recovery of Monies, and subject to like Provisions or any Means or Remedies provided by Law for the Recovery of Debts, unless the Proceedings for the Recovery of such Monies shall at any Time be directed by the said Commissioners of Her Majesty's Treasury to be suspended.

them, to have the Powers of Recovery of Monies as under Charitable Loan Society Acts.

VI. ' And whereas by the said Acts of the Sixth and Seventh Years and of the Seventh and Eighth Years of the Reign of Her present Majesty such Certificate as in the said Acts mentioned, under the Corporate Seal of the said Corporation, is made Evidence of the Facts therein certified, and of Connexion with the said Corporation : ' Be it therefore enacted, That from and after the passing of this Act a Certificate given in the Form prescribed in the Schedule marked (B.) to this Act annexed, signed by any Three Persons professing to be Trustees of the Funds heretofore belonging to the said Corporation in and for the County in which any such local Committee, Association, or Party acting under the said Trustees shall have lent such Monies or taken any Securities, shall be Evidence in like Manner and be of like Force as a Certificate under the Corporate Seal of the said Corporation would have been under the said recited Acts or either of them, and it shall not be necessary to prove that any Person signing such Certificate as a Trustee shall be a Trustee as aforesaid.

In such Cases, Certificate of Three Trustees to be Evidence, in lieu of Certificate under Corporate Seal.

VII. And be it enacted, That all Trustees of the Funds heretofore belonging to the said Corporation who shall give any Certificate under the Provision herein-before contained shall forthwith after giving every such Certificate convene a Meeting of the Trustees according to the Bye Laws regulating such Meetings, and shall notify to such Meeting the issuing of such Certificate, and shall transmit to the Commissioners of Her Majesty's Treasury a Duplicate or Copy of such Certificate, signed by the Trustees who shall have issued the same, and by the Chairman of such Meeting; and the Commissioners of Her Majesty's Treasury may from Time to Time cause a List, Description, or Specification of the Trustees of the Funds heretofore vested in the said Corporation, and of the Associations or Loan Societies or Institutions heretofore established in *Ireland* by or in connexion with the said Corporation, who shall remain

Issuing of Certificate to be signified at a Meeting of the Trustees.

in possession of any Monies heretofore belonging or accruing from the Monies belonging to the Corporation, and vested in Her Majesty by this Act, to be sent to the Secretary to the Loan Fund Board in *Dublin*; and such List, Description, or Specification so sent shall have the same Force and Effect as the List, Description, or Specification which by the said Act of the Sixth and Seventh Years of the Reign of Her present Majesty was required to be sent by the said Irish Reproductive Loan Fund Institution to the said Secretary of the Loan Fund Board in *Dublin*.

Lists of Loans and Securities to be deposited with Clerk of the Peace within Three Months.

VIII. And be it enacted, That within Three Months after the passing of this Act all such Trustees as aforesaid in and for any County, and all such local Committees, Associations, or other Parties acting under any such Trustees, holding Securities for any such Funds or Monies lent as aforesaid, except such as shall have been lent by the Trustees to Associations or to Parties to re-lend, shall and are hereby required to deposit with the Clerk of the Peace for such respective County within which such Loans have been made Duplicate Lists of all such Loans and Securities, and the Amount then due thereon respectively, according to the Form marked (C.) in the Schedule annexed to this Act; and the said Trustees, local Associations, or other Parties acting under such Trustees as aforesaid, making Loans after the passing of this Act, with the Sanction of the Governors, or of the said Commissioners of Her Majesty's Treasury, or with the Sanction of the Parties who may be appointed as aforesaid by the said Commissioners, shall and are hereby required to transmit to the Clerk of the Peace, within Seven Days from the granting of such Loans, Duplicate Lists of such Loans, according to the same Form, so far as the same is applicable; and all such Duplicate Lists as aforesaid shall be duly certified by the Inspector to such Trustees; and in every Case such Clerk of the Peace is hereby required to take charge of and retain one of such Lists, and to transmit the other of such Lists, within Two Days after the Receipt thereof, to the Commissioners of Her Majesty's Treasury: Provided always, that all Loans and Monies to be recovered in manner herein-before provided shall be included in such Lists as aforesaid respectively.

County Trustees, on receiving back Loans advanced to local Committees, to notify the same to the Clerk of the Peace.

IX. And be it enacted, That when any such County Trustees as aforesaid shall have advanced any such Funds or Monies as aforesaid to any local Committee, Association, or Party acting under them, for the Purpose of re-lending the same, and shall have received back from such local Committee, Association, or Party the Monies so advanced, the said Trustees shall, within Forty-eight Hours after the Receipt thereof, notify in Writing to the Clerk of the Peace of such County such Receipt, and the Discharge of such Debt or Advance as mentioned in any such Certificate marked (B.) in the said Schedule annexed to this Act; and such Clerk of the Peace, on Receipt of such Notification, shall forthwith notify the same in Writing to the Commissioners of Her Majesty's Treasury, and also to the Justices of

of the Peace at the Petty Sessions for the District or Districts next adjoining the Place where such local Committee, Association, or Party has been acting as aforesaid.

X. And be it enacted, That any Person, not being a Trustee, who shall as a Trustee sign any such Certificate as aforesaid, and any such Trustee or Trustees as aforesaid giving any false Certificate under this Act, or not giving Notice as aforesaid to the respective Clerk of the Peace of the Payment and Discharge of any such Loan or Advance made to any such local Committee, Association, or Party acting under such Trustees, shall be liable to forfeit Four Times the Amount of the Sum specified in such Certificate, one Half to the Informer, and the other Half to Her Majesty, and to be recovered by Action of Debt, Bill, Plaint, or Information, or by Proceedings in a summary Way before any Justice or Justices of the Peace, in like Manner and subject to like Provisions as any Penalty or Forfeiture may be recovered under the said recited Act of the Sixth and Seventh Years of the Reign of Her Majesty.

Penalty on Persons giving false Certificate under this Act.

XI. And be it enacted, That if any Trustee or Trustees, or any Member or Members of any local Committee or Association or Party acting under any such Trustees as aforesaid, shall proceed to recover any Monies lent out by them respectively beyond the Amount of the aggregate Sum advanced to them by any such County Trustees as aforesaid, and the Accumulations by the Profits derived from the Interest, Fines, and Charges paid thereon by Borrowers thereof, and for such Purpose shall use any Certificate or other Evidence of Connexion with the said Corporation, or any such Certificate of a Trustee or Trustees as in this Act provided, every such Trustee or Trustees or Member of a local Committee or Association or Party, so offending, shall forfeit the Amount of such Demand so sought to be recovered, and shall likewise be subject to the further Penalty of Four Times the Amount of such Demand, One Half thereof to be paid to the Informer, and One Half to Her Majesty, and such Penalty to be recovered in the Manner herein-before provided as to Penalties above mentioned; provided that such Penalty hereby inflicted shall not exonerate such Party or Parties from any Penalties he or they may incur to be paid to the Loan Fund Board in *Ireland*.

Penalty for using Certificate for Recovery of Sums beyond the Amount advanced by County Trustees.

XII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, out of the Monies vested in Her Majesty by this Act, to allow any Secretaries or other Persons heretofore employed by the said Trustees such Allowance in respect of Length of Service or other meritorious Cause, and also to pay to such Persons as may be from Time to Time employed by or with the Sanction of the said Commissioners, in collecting, managing, and applying, or otherwise in relation to the Funds hereby vested in Her Majesty, such Salaries or Allowances as the said Commissioners shall think fit.

Treasury may make Allowances to Officers of the Trustees

XIII. And be it enacted, That after the Expiration of Three Calendar Months from and after the passing of this Act the said Corporation

Dissolution of Irish Reproductive Loan Fund Institution.

Corporation of the *Irish* Reproductive Loan Fund Institution shall be dissolved to all Intents and Purposes whatsoever.

Accounts to be made up annually, and laid before both Houses of Parliament.

XIV. And be it enacted, That an annual Account showing the Receipts and Disbursements under this Act shall be made up to and for the Thirty-first Day of *December* in every Year, and shall be laid before both Houses of Parliament within Ten Days of their next Sitting by the Lords Commissioners of the Treasury.

Public Act.

XV. And be it enacted, That this Act shall be deemed a Public Act, and shall be taken notice of as such in all Courts whatsoever.

Act may be amended, &c.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

FUNDS and PROPERTY of the Irish Reproductive Loan Fund Institution, exclusively of Balances due from the several County Trustees in Ireland.

PART I.

SUMS now constituting the Fund appropriated for defraying Expenses of Management.

£3,058 5s. 6d. Cash.

£7,457 9s. 8d. £3 5s. per Cent. Annuities.

PART II.

OTHER FUNDS.

£22,893 10s. 5d. £3 per Cent. Annuities.

£6,642 6s. 7d. £3 5s. per Cent. Annuities.

£500 7s. 6d., with accruing Interest, secured by Bond of Sir Matthew Barrington, Baronet.

SCHEDULE (B.)

WE, the undersigned Trustees for the Funds heretofore belonging to the Irish Reproductive Loan Fund Institution in County _____ and now vested in the Commissioners of Her Majesty's Treasury by an Act [*insert the Title of this Act*], certify that

A.B. of _____ in County _____
C.D. of _____ in County _____
 and *E.F.* of _____ in County _____ are
 an Association at _____ in County _____ hereto-
 fore lending Monies advanced by us, and now hold the Amount
 of £ _____ from us.

(Signed) _____

 _____ } Trustees as above
 described.

Signed in the Presence of me,
 Inspector to the above Trustees in County _____

SCHEDULE (D.)

STATEMENT of FUNDS appropriated by the Relief Committee of 1822 to the Trustees for the several Counties of Ireland, with the Sums since repaid by them to the Irish Reproductive Loan Fund Institution.

	Sums originally appropriated.			Repaid.		
	£	s.	d.	£	s.	d.
To the County of Clare - -	5,697	8	0	993	7	6
" Cork - -	8,028	0	0	1,050	0	0
" Galway - -	7,065	0	0	-		
" Kerry - -	5,777	6	5	5,572	0	2
" Leitrim - -	2,000	0	0	1,200	0	0
" Limerick - -	6,370	11	9	-		
" Mayo - -	9,377	0	9	5,820	18	4
" Roscommon - -	4,500	0	0	1,788	16	7
" Sligo - -	3,870	0	0	3,890	6	3
" Tipperary - -	2,500	0	0	1,841	9	0

CAP. CXVI.

An Act for carrying into effect the Treaty between Her Majesty and the Republic of the *Equator* for the Abolition of the Traffic in Slaves.

[4th *September* 1848.]

‘ WHEREAS on the Twenty-fourth Day of *May* in the Year
‘ of our Lord One thousand eight hundred and forty-one
‘ a Treaty was concluded and signed at *Quito* between Her Ma-
‘ jesty the Queen of the United Kingdom of *Great Britain* and
‘ *Ireland* and the Republic of the *Equator*, for the Abolition of
‘ the Traffic in Slaves, whereby it was agreed as follows:

‘ ARTICLE I.—*Great Britain* and the Republic of the
‘ *Equator* declare the Traffic in Slaves abolished for ever;
‘ and in order to avoid any Doubts that may hereafter
‘ occur from any Circumstance proving prejudicial to the
‘ Interests of Commerce and Navigation for Want of a pro-
‘ per Explanation of the real Spirit of the Phrase “Traffic
‘ in Slaves,” do here mutually declare to be understood by
‘ such Traffic such only which is carried on in Negroes
‘ brought from *Africa* in order to transport them to other
‘ Parts of the World for Sale, but in no Manner whatever
‘ the conveying from one Port or Place to another belong-
‘ ing to the Republic the Slaves existing within it, be such
‘ undertaken either with the Object of selling them or
‘ with any other not prohibited by the Laws.

‘ ARTICLE

‘ ARTICLE II.—The Republic of the *Equator* agrees to
‘ treat as Pirates, and to punish with the Penalties which
‘ the existing penal Laws impose on Pirates, all such *Equa-*
‘ *torians* who on the High Seas, or in any other Place under
‘ the Jurisdiction of the Republic, may be found embark-
‘ ing, transporting, or disembarking One or more Persons
‘ brought from *Africa* as Slaves.

‘ ARTICLE III.—The Republic of the *Equator* will pro-
‘ mulgate every other legislative Provision that may be
‘ deemed requisite for the Prevention of her Citizens en-
‘ gaging in any way in the said Traffic in Slaves, and for
‘ the complete Extinction thereof; seeing that the same
‘ are in harmony with those which may be promulgated by
‘ *Great Britain* for the like Object, and with the constitu-
‘ tional Principles of the Republic.

‘ ARTICLE IV.—In order more completely to prevent all
‘ Infringement of the Spirit of the present Treaty, the
‘ High Contracting Parties mutually consent that those
‘ Ships of their respective Navies which shall be provided
‘ with special Instructions for that Purpose, as herein-after
‘ mentioned, may visit such Merchant Vessels of the Two
‘ Nations as may upon reasonable Grounds be suspected
‘ of being engaged in the Traffic in Slaves, or of having
‘ been fitted out for that Purpose, or of having, during the
‘ Voyage on which they are met by the said Cruisers, been
‘ engaged in the Traffic of Slaves, contrary to the Provi-
‘ sions of this Treaty; and that such Cruisers may detain
‘ and send or carry away such Vessels, in order that they
‘ be brought to Trial in the Manner herein-after agreed
‘ upon.

‘ In order to fix the reciprocal Right of Search in such
‘ a Manner as shall be adapted to the Attainment of the
‘ Object of this Treaty, and at the same Time to avoid
‘ Doubts, Disputes, or Complaints, the Right of Search
‘ shall be understood in the Form and according to the
‘ Rules following:—

‘ First,—It shall never be exercised except by Vessels
‘ of War authorized expressly for that Object, according
‘ to the Stipulations of this Treaty.

‘ Secondly,—In no Case shall the Right of Search be
‘ exercised with respect to a Vessel of the Royal or
‘ National Navy of either of the Two Powers, but only
‘ as regards Merchant Vessels.

‘ Thirdly,—Whenever a Merchant Vessel is searched
‘ by a Ship of War, the Commander of the said Ship
‘ shall, in the Act of so doing, exhibit to the Commander
‘ of the Merchant Vessel the Document by which he is
‘ duly authorized to that end, and shall deliver to him a
‘ Certificate, signed by him, stating his Rank in the
‘ Naval Service of his Country, and the Name of the
‘ Vessel

‘ Vessel he commands, and which also declares that
 ‘ the only Object of the Search is to ascertain whether
 ‘ the Vessel is employed in the Slave Trade, or if it is
 ‘ fitted up for the said Traffic. When the Search is
 ‘ made by an Officer of the Cruiser who is not the Com-
 ‘ mander, the said Officer shall exhibit to the Captain of
 ‘ the Merchant Vessel a Copy of the before-mentioned
 ‘ special Orders, signed by the Commander of the
 ‘ Cruiser, and in like Manner deliver a Certificate signed
 ‘ by him stating his Rank in the Navy, the Name of the
 ‘ Commander by whose Orders he proceeds to make the
 ‘ Search, that of the Cruiser in which he sails, and the
 ‘ Object of the Search, as has been already laid down.
 ‘ If it appears from the Search that the Papers of the
 ‘ Vessel are in regular Order, and that it is employed
 ‘ on licit Objects, the Officer shall then enter in the
 ‘ Logbook of the Vessel that the Search has been made
 ‘ in pursuance of the aforesaid special Orders, and the
 ‘ Vessel shall be left at liberty to pursue its Voyage.
 ‘ The Rank of the Officer who makes the Search must
 ‘ not be less than that of Lieutenant of the Royal or Na-
 ‘ tional Navy, unless the Command, either by reason of
 ‘ Death or other Cause, is at the Time held by an Officer
 ‘ of inferior Rank.

‘ ARTICLE V.—In order to regulate the Mode of carry-
 ‘ ing the Provisions of the preceding Article into execution
 ‘ it is agreed,—

‘ First,—That all the Ships of the respective Navies
 ‘ of the Two Nations which shall be hereafter employed
 ‘ to prevent the Traffic in Slaves shall be furnished by
 ‘ their respective Governments with a Copy, in the
 ‘ *English* and *Spanish* Languages, of the present Treaty,
 ‘ of the Instructions for Cruisers annexed thereto marked
 ‘ A., and of the Regulations for the mixed Courts of
 ‘ Justice annexed thereto, marked B., which Annexes
 ‘ respectively shall be considered as integral Parts of the
 ‘ Treaty.

‘ Secondly,—That each of the High Contracting
 ‘ Parties shall from Time to Time communicate to the
 ‘ other the Names of the several Ships furnished with
 ‘ such Instructions, the Force of each, and the Names of
 ‘ their several Commanders. The said Commanders
 ‘ ought to hold the Rank of Captain in the Navy, or at
 ‘ least of Lieutenant; it being nevertheless understood
 ‘ that the Instructions originally issued to an Officer
 ‘ holding the Rank of Lieutenant of the Navy or other
 ‘ superior Rank shall be sufficient, in case of Death or
 ‘ temporary Absence of the same, to authorize the Officer
 ‘ on whom the Command of the Vessel has devolved to
 ‘ make the Search, although the said Officer may not
 ‘ hold the aforesaid Rank in the Service.

‘ Thirdly,—

‘ Thirdly,—That if at any Time the Commander of a
‘ Cruiser of either of the Two Nations shall suspect that
‘ any Merchant Vessel under the Escort or Convoy of
‘ any Ship or Ships of War of the other Nation carries
‘ Slaves on board, or has been engaged in the Traffic of
‘ Slaves, or is fitted out for the Purpose thereof, the
‘ said Commander of the Cruiser shall communicate his
‘ Suspicions to the Commander of the Convoy, who,
‘ accompanied by the Commander of the Cruiser, shall
‘ proceed to the Search of the suspected Vessel; and
‘ in case that the Suspicions appear well founded, ac-
‘ cording to the Tenor of this Treaty, then the said
‘ Vessel shall be conducted or sent to One of the Points
‘ where the mixed Courts of Justice are stationed, in
‘ order that the just Sentence may there be pronounced.

‘ Fourthly,—It is further mutually agreed, that the
‘ Commanders of the Ships of the Two Navies respec-
‘ tively who shall be employed on this Service shall
‘ adhere strictly to the exact Tenor of the aforesaid
‘ Instructions.

‘ ARTICLE VI.—As the Two preceding Articles are en-
‘ tirely reciprocal, the Two High Contracting Parties
‘ engage mutually to make good any Losses which their
‘ respective Subjects may incur by the arbitrary and illegal
‘ Detention of their Vessels; it being understood that this
‘ Indemnity shall be borne by the Government whose
‘ Cruiser shall have been guilty of such arbitrary and
‘ illegal Detention, and that the Visit and Detention of
‘ Vessels specified in the Fourth Article of this Treaty shall
‘ only be effected by those *British* and *Equatorian* Ships
‘ which may form Part of the Two respective Navies, and
‘ by such of those Ships only as are provided with the
‘ special Instructions annexed to the present Treaty, in
‘ pursuance of the Provisions thereof. The Indemnification
‘ for the Damage of which this Article treats shall be made
‘ within the Term of One Year, reckoning from the Day in
‘ which the Mixed Court of Justice pronounces its Sentence
‘ on the Vessel for the Detention of which such Compen-
‘ sation is claimed.

‘ ARTICLE VII.—In order to bring to Adjudication
‘ with as little Delay and Inconvenience as possible the
‘ Vessels which may be detained according to the Tenor of
‘ the Fourth Article of this Treaty, there shall be esta-
‘ blished, as soon as may be practicable, Two Mixed
‘ Courts of Justice, formed of an equal Number of Indi-
‘ viduals of the Two Nations, and named for this Purpose
‘ by their respective Governments.

‘ These Courts shall reside, one in a Possession belonging
‘ to Her *Britannic* Majesty, the other within the Territory
‘ of the *Equatorian* Republic; and at the Period of the
‘ Exchange

‘ Exchange of the Ratifications of the present Treaty the
 ‘ Two Governments shall declare, each for its own Domi-
 ‘ nions, in what Place these Courts shall respectively
 ‘ reside.

‘ But each of the Two High Contracting Parties reserves
 ‘ to itself the Right of changing at its Pleasure the Place
 ‘ of Residence of the Court held within its own Dominions;
 ‘ Provided always, that one of the Courts shall be held
 ‘ upon the Coast of *Africa*, and the other in some Part of
 ‘ the Territory of the *Equator*.

‘ And these Courts, from which there shall be no Appeal,
 ‘ shall judge the Causes submitted to them according to the
 ‘ Provisions of the present Treaty, and according to the
 ‘ Regulations and Instructions which are annexed to
 ‘ the present Treaty, and which are considered as integral
 ‘ Parts thereof.

‘ ARTICLE VIII.—In case the Commanding Officer of
 ‘ any of the Ships of the respective Navies of *Great Britain*
 ‘ and the *Equator*, duly commissioned according to the
 ‘ Provisions of Article IV. of this Treaty, shall deviate in
 ‘ any respect from the Stipulations of the said Treaty or
 ‘ the Instructions annexed to it, the Government which
 ‘ shall conceive itself to be wronged thereby shall be en-
 ‘ titled to demand Reparation, and in such Case the Govern-
 ‘ ment to which such Commanding Officer may belong binds
 ‘ itself to cause Inquiry to be made into the Subject of the
 ‘ Complaint, and to inflict upon the said Officer a Punish-
 ‘ ment proportioned to any wilful Transgression which he
 ‘ may have committed.

‘ ARTICLE IX.—It is hereby further mutually agreed,
 ‘ that every Merchant Vessel, *British* or *Equatorial*, which
 ‘ shall be visited by virtue of the present Treaty, may law-
 ‘ fully be detained, and sent or brought before the Mixed
 ‘ Courts of Justice established in pursuance of the Provi-
 ‘ sions thereof, if in her Equipment there shall be found
 ‘ any of the Things herein-after mentioned; namely,

‘ First,—Hatches with open Gratings, instead of the
 ‘ close Hatches which are usual in Merchant Vessels.

‘ Second,—Divisions or Bulkheads in the Hold or on
 ‘ Deck in greater Number than are necessary for Vessels
 ‘ engaged in lawful Trade.

‘ Third,—Spare Planks fitted for laying down a
 ‘ Second or Slaves Deck.

‘ Fourth,—Shackles, Bolts, or Handcuffs.

‘ Fifth,—A larger Quantity of Water in Casks or in
 ‘ Tanks than is requisite for the Consumption of the
 ‘ Crew of the Vessel as a Merchant Vessel.

‘ Sixth,—An extraordinary Number of Water Casks,
 ‘ or of other Vessels for holding Liquid, unless the Mas-
 ‘ ter shall produce a Certificate from the Custom House

‘ at

‘ at the Place from which he cleared Outwards, stating
 ‘ that a sufficient Security had been given by the Owners
 ‘ of such Vessel that such extra Quantity of Casks or
 ‘ other Vessels should only be used to hold Palm Oil, or
 ‘ for other Purposes of lawful Commerce.

‘ Seventh,—A greater Quantity of Mess Tubs or
 ‘ Kids than are requisite for the Use of the Crew of the
 ‘ Vessel as a Merchant Vessel.

‘ Eighth,—A Boiler of an unusual Size, and larger
 ‘ than requisite for the Use of the Crew of the Vessel as
 ‘ a Merchant Vessel, or more than One Boiler of the
 ‘ ordinary Size.

‘ Ninth,—An extraordinary Quantity either of Rice,
 ‘ of the Flour of *Brazil*, of Manioc or Cassada com-
 ‘ monly called *Farinha*, of Maize or *Indian* Corn, or of
 ‘ any other Article of Food whatever, beyond what
 ‘ might probably be requisite for the Use of the Crew,
 ‘ such Rice, Flour, Maize or *Indian* Corn, or other
 ‘ Article of Food, not being entered on the Manifest as
 ‘ Part of the Cargo for Trade.

‘ Tenth,—A Quantity of Mats or Matting greater
 ‘ than is necessary for the Use of the Crew of the Vessel
 ‘ as a Merchant Vessel.

‘ Any One or more of these several Things, if proved to
 ‘ have been found on board, shall be considered as *prima*
 ‘ *facie* Evidence of the actual Employment of the Vessel in
 ‘ the Slave Trade, and the Vessel shall thereupon be con-
 ‘ demned and declared lawful Prize, unless satisfactory
 ‘ Evidence upon the Part of the Master or Owners shall
 ‘ establish that such Vessel was at the Time of her Deten-
 ‘ tion or Capture employed in some legal Pursuit.

‘ ARTICLE X.—If any of the Things specified in the
 ‘ preceding Article shall be found in any Merchant Vessel,
 ‘ neither the Master nor Owner, nor any Person whatever
 ‘ interested in her Equipment or Cargo, shall be entitled
 ‘ to Compensation for Losses or Damages, even though
 ‘ the Mixed Courts of Justice should not pronounce any
 ‘ Sentence of Condemnation in consequence of her Deten-
 ‘ tion; but the same Tribunal shall be authorized to pay
 ‘ out of the Prize Fund, if they think it in Equity required,
 ‘ some Sum of Money proportionate to the Demurrage
 ‘ suffered, and according to the Circumstances of the
 ‘ Case.

‘ ARTICLE XI.—It is agreed between the Two High
 ‘ Contracting Parties, that in all Cases in which a Vessel
 ‘ shall be detained under this Treaty by their respective
 ‘ Cruisers as having been engaged in the Slave Trade, or
 ‘ as having been fitted out for the Purpose thereof, and
 ‘ shall consequently be adjudged and condemned by the
 ‘ Mixed Courts of Justice to be established as aforesaid,
 ‘ the said Vessel shall, immediately after its Condemnation,
 ‘ be

‘ be broken up entirely, and shall be sold in separate Parts
 ‘ after having been so broken up.

‘ ARTICLE XII.—The Negroes who are found on board
 ‘ of a Vessel detained by a Cruiser, and condemned by the
 ‘ mixed Courts of Justice, in conformity with the Stipula-
 ‘ tions of this Treaty, shall be placed at the Disposition of
 ‘ the Government whose Cruiser has made the Capture,
 ‘ but on the Understanding that, not only they shall be
 ‘ immediately put at liberty and kept free, the Government
 ‘ to whom they have been delivered guaranteeing the same,
 ‘ but likewise engaging to afford from Time to Time, and
 ‘ whenever demanded by the other High Contracting Party,
 ‘ the fullest Information as to the State and Condition of
 ‘ such Negroes, with a view of ensuring the due Execution
 ‘ of the Treaty in this respect.

‘ For this Purpose the Regulations annexed to this
 ‘ Treaty, marked C., as to the Treatment of Negroes libe-
 ‘ rated by Sentence of the Mixed Courts of Justice, have
 ‘ been drawn up, and are declared to form an integral Part
 ‘ of this Treaty. The Two High Contracting Parties
 ‘ reserve to themselves the Right to alter or suspend, by
 ‘ common Consent and mutual Agreement, but not other-
 ‘ wise, the Terms and Tenor of such Regulations.

‘ ARTICLE XIII.—The Acts and Instruments annexed
 to this Treaty, and which it is mutually agreed upon shall
 ‘ form an integral Part thereof, are as follows :

‘ A Instructions for the Ships of the Royal and
 ‘ National Navies of both Nations destined to pre-
 ‘ vent the Traffic of Slaves.

‘ B Regulations for the Mixed Courts of Justice
 ‘ which are to hold their Sitzings on the Coast of
 ‘ *Africa* and in the Territory of the Republic of the
 ‘ *Equator*.

‘ C Regulations as to the Treatment of liberated
 ‘ Negroes.

‘ ARTICLE XIV.—The present Treaty, consisting of
 ‘ Fourteen Articles, shall be ratified, and the Ratifications
 ‘ thereof exchanged in *Quito*, within the Space of Two
 ‘ Years from this Date, or sooner if possible.

‘ In witness whereof the respective Plenipotentiaries
 ‘ have signed in duplicate Two Originals, in *English* and
 ‘ *Spanish*, of the present Treaty, and have thereunto affixed
 ‘ their respective Seals.

‘ Done in *Quito* this Twenty-fourth Day of *May* in the
 ‘ Year of our Lord One thousand eight hundred
 ‘ and forty-one.

‘ (L.S.) *Walter Cope.*

‘ ANNEX A.

‘ To the TREATY between GREAT BRITAIN and the REPUBLIC of
 ‘ the EQUATOR, for the ABOLITION of the SLAVE TRADE
 ‘ of the REPUBLIC of the EQUATOR.

‘ *Instructions for the Ships of the British and Equatorial Navies*
 ‘ *employed to prevent the Traffic in Slaves.*

‘ ARTICLE I.—The Commander of any Ship belonging
 ‘ to the Navy of Her *Britannic* Majesty or of the Republic
 ‘ of the *Equator*, which shall be furnished with these In-
 ‘ structions, shall have a Right to visit, search, and detain
 ‘ any *British* or *Equatorial* Merchant Vessel which shall be
 ‘ actually engaged or which shall be suspected to be en-
 ‘ gaged in the Slave Trade, or to be fitted out for the
 ‘ Purposes thereof, or to have been engaged in the Traffic
 ‘ in Slaves during the Voyage in which she may be met
 ‘ with by such Ship of the *British* or *Equatorial* Navy; and
 ‘ such Commander shall thereupon bring or send such
 ‘ Merchant Vessel as soon as possible for Judgment before
 ‘ that Mixed Court of Justice, established in virtue of the
 ‘ Seventh Article of the said Treaty, which shall be the
 ‘ nearest to the Place of Detention, or which such Com-
 ‘ mander shall, upon his own Responsibility, think can be
 ‘ soonest reached from such Place.

‘ ARTICLE II.—Whenever a Ship of either of the said
 ‘ Navies, duly authorized as aforesaid, shall meet a Mer-
 ‘ chant Vessel liable to be visited under the Provisions of
 ‘ the said Treaty, the Search shall be conducted in the
 ‘ mildest Manner, and with every Attention which ought
 ‘ to be observed between allied and friendly Nations; and
 ‘ the Search shall in all Cases be made by an Officer hold-
 ‘ ing a Rank not lower than that of a Lieutenant in the
 ‘ Navy of *Great Britain* or in that of the Republic of the
 ‘ *Equator* respectively (unless the Command shall by reason
 ‘ of Death or otherwise be held by an Officer of inferior
 ‘ Rank), or by the Officer who at the Time shall be Second
 ‘ in command of the Ship by which the Search is made.

‘ ARTICLE III.—The Commander of any Ship of the
 ‘ Two Navies, duly authorized as aforesaid, who may detain
 ‘ any Merchant Vessel in pursuance of the present Instruc-
 ‘ tions, shall leave on board the Vessel so detained the
 ‘ Master, the Mate or Boatswain, and Two or Three at
 ‘ least of the Crew thereof, the whole of the Slaves, if any,
 ‘ and all the Cargo.

‘ The Captor shall at the Time of Detention draw up in
 ‘ Writing an authentic Declaration, which shall exhibit
 ‘ the State in which he found the detained Vessel; and
 ‘ such Declaration shall be signed by himself, and shall be
 ‘ given in or sent, together with the captured Vessel, to the
 ‘ Mixed

‘ Mixed Court of Justice before which such Vessel shall be
‘ carried or sent for Adjudication.

‘ The Captor shall deliver to the Master of the detained
‘ Vessel a certified List of the Papers seized on board the
‘ same, as well as a Statement of the Number of Slaves
‘ found on board at the Moment of Detention.

‘ In the authenticated Declaration which the Captor is
‘ hereby required to make, as well as in the certified List of
‘ the Papers seized, he shall insert his own Name, the Name
‘ of the capturing Ship, the Latitude and Longitude of the
‘ Place where the Detention shall have taken place, and the
‘ Number of Slaves found on board the Vessel at the Time
‘ of the Detention.

‘ The Officer in charge of the Vessel detained shall, at
‘ the Time when he brings the Vessel’s Papers into the
‘ Mixed Court of Justice, deliver into the Court a Paper,
‘ signed by himself, and verified on Oath, stating any
‘ Changes which may have taken place in respect to the
‘ Vessel, her Crew, the Slaves, if any, and her Cargo,
‘ between the Period of her Detention and the Time of
‘ delivering in such Paper.

‘ ARTICLE IV.—The Slaves shall not be disembarked
‘ till after the Vessel which contains them shall have arrived
‘ at the Place of Adjudication, and even after the Vessel has
‘ arrived at such Place they shall not be landed without
‘ the Permission of the Mixed Court of Justice.

‘ But if urgent Reasons, deduced from the Length of the
‘ Voyage, from the State of Health of the Slaves, or from
‘ other Causes, should require that either the whole or a
‘ Portion of the Negroes should be disembarked or be
‘ transhipped before the Vessel can arrive at the Place at
‘ which One of the said Courts is established, or after her
‘ Arrival there, and before Adjudication, the Commander
‘ of the capturing Ship may take upon himself the Respon-
‘ sibility of so disembarking or transhipping the Negroes,
‘ provided that such Necessity, and the Causes thereof, be
‘ stated in a Certificate in proper Form, and that this Cer-
‘ tificate be entered at the Time on the Logbook of the
‘ detained Vessel.

‘ The undersigned Plenipotentiaries have agreed, in con-
‘ formity with the Thirteenth Article of the Treaty signed
‘ by them on this Day, the Twenty-fourth of *May* One
‘ thousand eight hundred and forty-one, that the preceding
‘ Instructions, consisting of Four Articles, shall be annexed
‘ to the said Treaty, and shall be considered as an integral
‘ Part thereof.

‘ The Twenty-fourth Day of *May* One thousand eight
‘ hundred and forty-one.

‘ (L.S.)

Walter Cope.

‘ ANNEX (B.)

‘ To the TREATY between GREAT BRITAIN and the REPUBLIC
 ‘ of the EQUATOR for the ABOLITION of the SLAVE TRADE
 ‘ of the REPUBLIC of the EQUATOR.

‘ *Regulations for the Mixed Courts of Justice which are to reside on
 ‘ the Coast of Africa and in the Republic of the Equator.*

‘ ARTICLE I.—The Mixed Courts of Justice to be esta-
 ‘ blished under the Provisions of the Treaty of which these
 ‘ Regulations are declared to be an integral Part shall be
 ‘ composed in the following Manner:

‘ Each of the Two High Contracting Parties shall name
 ‘ a Judge and an Arbitrator, who shall be authorized to
 ‘ hear and to decide, without Appeal, all Cases of the Cap-
 ‘ ture or Detention of Vessels which, in pursuance of the
 ‘ Stipulations of the aforesaid Treaty, shall be brought
 ‘ before them.

‘ The Judges and the Arbitrators shall, before entering
 ‘ upon the Duties of their Office, respectively make Oath
 ‘ before the principal Magistrate of the Places in which
 ‘ such Courts respectively shall reside, that they will judge
 ‘ fairly and faithfully, that they will have no Preference
 ‘ either for the Claimants or the Captors, and that in all
 ‘ their Decisions they will act in pursuance of the Stipula-
 ‘ tions of the aforesaid Treaty.

‘ There shall be attached to each of such Courts a Secre-
 ‘ tary or Registrar, who shall be appointed by the Govern-
 ‘ ment of the Country within whose Territories such Court
 ‘ shall reside. Such Secretary or Registrar shall register
 ‘ all the Acts of such Court, and shall, before he enters
 ‘ upon his Office, make Oath before the Court to which
 ‘ he is appointed, that he will conduct himself with due
 ‘ Respect for its Authority, and will act with Fidelity and
 ‘ Impartiality in all Matters relating to his said Office.

‘ The Salary of the Secretary or Registrar of the Court
 ‘ to be established on the Coast of *Africa* shall be paid by
 ‘ Her *Britannic* Majesty, and that of the Secretary or
 ‘ Registrar of the Court to be established in the Republic
 ‘ of the *Equator* shall be paid by the Government of that
 ‘ Republic.

‘ Each of the Governments shall defray Half of the
 ‘ aggregate Amount of the incidental Expenses of such
 ‘ Courts.

‘ ARTICLE II.—The Expenses incurred by the Officer
 ‘ charged with the Reception, Maintenance, and Care of
 ‘ the detained Vessel, Slaves, and Cargo, and with the
 ‘ Execution of the Sentence, and all Disbursements occa-
 ‘ sioned by bringing the Vessel to Adjudication, shall, in
 ‘ case of Condemnation, be defrayed out of the Funds
 ‘ arising from the Sale of the Materials of the broken-up

‘ Vessel, of the Ship’s Stores, and of such Parts of the
 ‘ Cargo as shall consist of Merchandize; and in case the
 ‘ Proceeds arising from this Sale should not prove sufficient
 ‘ to defray such Expenses, then the Deficiency shall be
 ‘ made good by the Government of the Country within
 ‘ whose Territories the Adjudication shall have taken
 ‘ place.

‘ If the detained Vessel shall be released, the Expenses
 ‘ occasioned by bringing her to Adjudication shall be de-
 ‘ frayed by the Captor, excepting in the Cases specified
 ‘ and otherwise provided for by Article X. of the Treaty
 ‘ to which these Regulations form an Annex, and by
 ‘ Article VIII. of these Regulations.

‘ ARTICLE III.—The Mixed Courts of Justice are to
 ‘ decide upon the Legality of the Detention of such Vessels
 ‘ as the Cruisers of either Nation shall, in pursuance of the
 ‘ said Treaty, detain.

‘ These Courts shall judge definitively, and without Ap-
 ‘ peal, all Questions which shall arise out of the Capture
 ‘ and Detention of such Vessels.

‘ The Proceedings of these Courts shall take place with
 ‘ as little Delay as possible; and for this Purpose the
 ‘ Courts are required to decide each Case, as far as may
 ‘ be practicable, within the Space of Twenty Days, to be
 ‘ dated from the Day on which the detained Vessel shall
 ‘ have been brought into the Port where the deciding
 ‘ Court shall reside.

‘ If in consequence of such Proceedings the Vessel
 ‘ whose Case is brought before the Court shall be found to
 ‘ have been employed in the Slave Trade, or to have been
 ‘ fitted out for the Purposes thereof, such Vessel, her
 ‘ Cargo of Merchandize, and her Equipments, shall be
 ‘ condemned by the Court, and shall be declared lawful
 ‘ Prize; and any Slaves who may have been put on board
 ‘ such Vessel for the Purposes of Traffic shall be emanci-
 ‘ pated.

‘ The final Sentence shall not in any Case be delayed
 ‘ beyond the Period of Two Months, either on account of
 ‘ the Absence of Witnesses or for any other Reason, except
 ‘ upon the Application of any of the Parties interested; in
 ‘ which Case, if such Party or Parties shall give satisfactory
 ‘ Security that they will take upon themselves the Expense
 ‘ and Risks of the Delay, the Courts may, at their Discre-
 ‘ tion, grant an additional Delay, not exceeding Four
 ‘ Months.

‘ Either Party shall be allowed to employ such Counsel
 ‘ as he may think fit, to assist him in conducting his Cause.

‘ All the Acts and essential Parts of the Proceedings of
 ‘ the said Courts shall be written down in the Language
 ‘ of the Country in which the Courts shall respectively
 ‘ reside.

ARTICLE IV.—The Form of the Process shall be as follows:—

The Judges appointed by the Two Governments respectively shall, in the first place, proceed to examine the Papers of the detained Vessel, and to take the Depositions of the Master or Commander, and of Two or Three at least of the principal Individuals on board such Vessel, as well as the Declaration on Oath of the Captor, should such Declaration appear to be necessary, in order to enable them to judge and to pronounce whether the said Vessel has been justly detained or not, according to the Stipulations of the aforesaid Treaty, and in order that according to this Judgment the Vessel may be condemned or released.

In the event of the Two Judges not agreeing as to the Sentence which they ought to pronounce with respect to the Legality of the Detention of any Vessel, as to the Liability of the Vessel to Condemnation, as to the Compensation to be allowed to the Owners, or as to any other Question which may arise out of any Capture, or if any Difference of Opinion should arise between them as to the Mode of proceeding in the said Court, they shall in any such Case draw by Lot the Name of One of the Two Arbitrators appointed as is stated in Article I. of this Annex, and the Arbitrator whose Name shall be so drawn shall, after he has considered the Proceedings which have taken place, consult with the Two above-mentioned Judges, and the final Sentence or Decision shall be pronounced in conformity with the Opinion of the Majority of the Three.

ARTICLE V.—If the detained Vessel shall be restored by the Sentence of the Court, the Vessel and the Cargo, in the State in which they shall then be found, shall forthwith be given up to the Master or to the Person who represents him; and such Master or other Person may before the same Court claim to have a Valuation made, in order to ascertain the Amount of the Damages to which he shall be entitled. The Captor himself, and in his Default his Government, shall remain responsible for the Damages which may definitively be pronounced to be due to the Master of such Vessel, or to the Owners of the Vessel or of her Cargo.

The Two High Contracting Parties bind themselves to pay, within the Term of a Year from the Date of the Sentence, the Costs and Damages which may be awarded by the aforesaid Court, it being mutually understood and agreed that such Costs and Damages shall be made good by the Government of the Country of which the Captor shall be a Subject or Citizen.

‘ ARTICLE VI.—If a detained Vessel shall be condemned
‘ she shall be declared lawful Prize, together with her
‘ Cargo, whatever it may be, with the Exception of the
‘ Slaves who shall have been found on board; and the said
‘ Vessel, in conformity with the Regulations in Article XI.
‘ of the Treaty of this Date, shall, as well as her Cargo,
‘ be sold by public Sale for the Profit of the Two Govern-
‘ ments, subject to the Payment of the Expenses herein
‘ mentioned.

‘ The Slaves shall receive from the Court a Certificate
‘ of Emancipation, and shall be delivered over to the
‘ Government to whom belongs the Cruiser which made
‘ the Capture, to be dealt with according to the Regula-
‘ tions and Conditions contained in the Annex to this
‘ Treaty, Letter C.

‘ ARTICLE VII.—The Commander and the Crew of a
‘ Vessel condemned under this Treaty, and all Persons
‘ found on board who shall have been Accomplices in her
‘ Slave Trade Undertaking, shall, on Condemnation of the
‘ Vessel, be sent as Prisoners to the nearest Settlement of
‘ the Country of which they are Subjects or Citizens, and
‘ shall be there delivered over to the Authorities of the
‘ Place, to be tried according to the Laws of their Country
‘ for the Offences which they have committed against those
‘ Laws. The Commander of the Cruiser which made the
‘ Capture of the Vessel shall, on the Requisition of the
‘ Members of the Mixed Courts of Justice, take charge of
‘ the Commander, the Crew, and Accomplices on board of
‘ the captured Vessel, and shall convey them and deliver
‘ them over as before mentioned.

‘ The Charges incurred for the Support and Return
‘ Voyage of the Commander, the Crew, and the Accom-
‘ plices, thus sent as Prisoners, shall be defrayed by the
‘ Government of which they are the Subjects or Citizens.

‘ ARTICLE VIII.—The Mixed Courts of Justice shall
‘ also take cognizance of, and shall decide definitively, and
‘ without Appeal, all Claims for Compensation on account
‘ of Losses occasioned to Vessels and Cargoes which shall
‘ have been detained under the Provisions of this Treaty,
‘ but which shall not have been condemned as legal Prize
‘ by the said Courts; and in all Cases wherein Restitution
‘ of such Vessels and Cargoes shall be decreed (save as
‘ mentioned in a subsequent Part of these Regulations, and
‘ in Article X. of the Treaty to which these Regulations
‘ form an Annex,) the Court shall award to the Claimant
‘ or Claimants, or to his or their lawful Attorney or
‘ Attornies, for his or their Use, a just and complete In-
‘ demnification for all Costs of Suit and for all Losses and
‘ Damages which the Owner or Owners may have actually
‘ sustained by such Capture and Detention; (that is to say,)

‘ First,

- ‘ First,—In case of total Loss, the Claimant or Claimants shall be indemnified,—
 - ‘ A For the Ship, her Tackle, Equipment, and Stores.
 - ‘ B For all Freights due and payable.
 - ‘ C For the Value of the Cargo of Merchandize, if any, deducting all Charges and Expenses payable upon the Sale of such Cargo, including Commission of Sale.
 - ‘ D For all other regular Charges in such Case of total Loss.
- ‘ Secondly,—In all other Cases not of total Loss, save as herein-after mentioned, the Claimant or Claimants shall be indemnified,—
 - ‘ A For all special Damages and Expenses occasioned to the Ship by her Detention, and for Loss of Freight when due or payable.
 - ‘ B For Demurrage, according to the Schedule annexed to the present Article.
 - ‘ C For any Deterioration of the Cargo.
 - ‘ D For all Premium of Insurance on additional Risks.
- ‘ Further, the Claimant or Claimants shall be entitled to Interest at the Rate of Five *per Centum per Annum* on the Sum awarded, until such Sum is paid by the Government to which the capturing Ship belongs. The whole Amount of such Indemnification shall be calculated in the Money of the Country to which the detained Vessel belongs, and shall be paid at the Rate of Exchange current at the Time of the Award.
- ‘ The Two High Contracting Parties, however, have agreed, that if it shall be proved to the Satisfaction of the Judges of the Two Nations, and without Recourse to the Decision of an Arbitrator, that the Captor has been led into Error by the Fault of the Master or Commander of the detained Vessel, the detained Vessel shall in such Case not receive for the Time of her Detention the Demurrage stipulated by the present Article, nor any other Compensation for Losses, Damages, or Expenses consequent upon such Detention.

‘ SCHEDULE of Demurrage or daily Allowance for a Vessel of

100 Tons to 120 inclusive	-	-	£ 5	<i>per Diem.</i>
121	150	”	6	”
151	170	”	8	”
171	200	”	10	”
201	220	”	11	”
221	250	”	12	”
251	270	”	14	”
271	300	”	15	”

‘ And so on in proportion.

‘ ARTICLE IX.—Neither the Judges, nor the Arbitrators,
 ‘ nor the Secretaries of the Mixed Courts of Justice, shall
 ‘ demand or receive from any of the Parties concerned in
 ‘ the Cases which shall be brought before such Courts any
 ‘ Emolument or Gift, under any Pretext whatsoever, for
 ‘ the Performance of the Duties which such Judges, Arbitrators, and Secretaries have to perform.

‘ ARTICLE X.—The Two High Contracting Parties have
 ‘ agreed, that in the event of the Death, Sickness, Absence
 ‘ on Leave, or other legal Impediment of One or more of
 ‘ the Judges or Arbitrators composing the above-mentioned
 ‘ Courts, the Post of such Judge or of such Arbitrator shall
 ‘ be supplied *ad interim* in the following Manner :

‘ First,—On the Part of Her *Britannic* Majesty, and
 ‘ in that Court which shall sit in One of the Possessions
 ‘ of Her said Majesty, if the Vacancy be that of the
 ‘ *British* Judge, his Place shall be filled by the *British*
 ‘ Arbitrator; and either in that Case, or if the Vacancy
 ‘ be originally that of the *British* Arbitrator, the Place
 ‘ of such Arbitrator shall be filled successively by the
 ‘ Governor or Lieutenant Governor resident in such
 ‘ Possession, by the principal Magistrate of the same,
 ‘ and by the Secretary of the Government; and the said
 ‘ Court so constituted as above shall sit and shall proceed
 ‘ to adjudge all Cases brought before them for
 ‘ Adjudication, and shall pass Sentence accordingly.

‘ Secondly,—On the Part of *Great Britain*, and in that
 ‘ Court which shall sit in some Place within the Territories
 ‘ of the Republic of the *Equator*, if the Vacancy
 ‘ be that of the *British* Judge, his Place shall be filled
 ‘ by the *British* Arbitrator; and either in that Case, or
 ‘ if the Vacancy be originally that of the *British* Arbitrator,
 ‘ the Place of *British* Arbitrator shall be filled
 ‘ successively by the *British* Consul and *British* Vice
 ‘ Consul, if there be a *British* Consul or *British* Vice
 ‘ Consul appointed to and resident in such Place; and
 ‘ if the Vacancy be both of the *British* Judge and of the
 ‘ *British* Arbitrator, then the Vacancy of the *British*
 ‘ Judge shall be filled by the *British* Consul, and that of
 ‘ the *British* Arbitrator by the *British* Vice Consul, if
 ‘ there be a *British* Consul and a *British* Vice Consul
 ‘ appointed to and resident in such Place; and if there
 ‘ shall be no *British* Consul or *British* Vice Consul to fill
 ‘ the Place of *British* Arbitrator, then the *Equatorial*
 ‘ Arbitrator shall be called in, in those Cases in which a
 ‘ *British* Arbitrator, if there were any, would be called
 ‘ in; and in case the Vacancy be both of the *British*
 ‘ Judge and *British* Arbitrator, and there be neither
 ‘ *British* Consul nor *British* Vice Consul to fill *ad interim*
 ‘ the Vacancies, then the *Equatorial* Judge and *Equatorial*

‘ *torial* Arbitrator shall sit, and shall proceed to adjudge
 ‘ all Cases brought before them for Adjudication, and
 ‘ shall pass Sentence accordingly.

‘ Thirdly,—On the Part of the *Equatorial* Republic,
 ‘ and in that Court which shall sit within the Territories
 ‘ of the said Republic, if the Vacancy be that of the
 ‘ *Equatorial* Judge, his Place shall be filled by the *Equa-*
 ‘ *torial* Arbitrator; and either in that Case, or if the
 ‘ Vacancy be originally that of the *Equatorial* Arbitrator,
 ‘ the Place of such Arbitrator shall be filled successively
 ‘ by the Judges of First Instance, according to their Seni-
 ‘ ority, resident in the Place where such Court shall sit,
 ‘ or by an Advocate appointed for the Purpose; and the
 ‘ said Court so constituted as above shall sit, and shall
 ‘ proceed to adjudge all Cases brought before them for
 ‘ Adjudication, and shall pass Sentence accordingly.

‘ Fourthly,—On the Part of the *Equatorial* Republic,
 ‘ and in that Court which shall sit within the Possessions
 ‘ of Her *Britannic* Majesty, if the Vacancy be that of the
 ‘ *Equatorial* Judge, his Place shall be filled by the *Equa-*
 ‘ *torial* Arbitrator; and either in that Case, or if the
 ‘ Vacancy be originally that of the *Equatorial* Arbitrator,
 ‘ the Place of *Equatorial* Arbitrator shall be filled succes-
 ‘ sively by the *Equatorial* Consul and *Equatorial* Vice
 ‘ Consul, if there be an *Equatorial* Consul or *Equatorial*
 ‘ Vice Consul appointed to and resident in such Posses-
 ‘ sion; and if the Vacancy be both of the *Equatorial* Judge
 ‘ and of the *Equatorial* Arbitrator, then the Vacancy of
 ‘ the *Equatorial* Judge shall be filled by the *Equatorial*
 ‘ Consul, and that of the *Equatorial* Arbitrator by the
 ‘ *Equatorial* Vice Consul, if there be an *Equatorial* Consul
 ‘ and an *Equatorial* Vice Consul appointed to and resident
 ‘ in such Possession, and if there be no *Equatorial* Consul
 ‘ or *Equatorial* Vice Consul to fill the Place of *Equatorial*
 ‘ Arbitrator, then the *British* Arbitrator shall be called
 ‘ in, in those Cases in which an *Equatorial* Arbitrator
 ‘ would be called in; and in case the Vacancy be both of
 ‘ the *Equatorial* Judge and *Equatorial* Arbitrator, and
 ‘ there be neither *Equatorial* Consul nor Vice Consul to
 ‘ fill *ad interim* the Vacancies, then the *British* Judge and
 ‘ *British* Arbitrator shall sit, and shall proceed to adjudge
 ‘ all Cases brought before them for Adjudication, and
 ‘ shall pass Sentence accordingly.

‘ The highest Civil Authority of the Settlement wherein
 ‘ either of the Mixed Courts of Justice shall sit shall, in
 ‘ the event of a Vacancy arising either of the Judge or of
 ‘ the Arbitrator of the other High Contracting Party,
 ‘ forthwith give Notice of the same to the highest Civil
 ‘ Authority of the nearest Settlement of such other High
 ‘ Contracting Party, in order that such Vacancy may be
 ‘ supplied at the earliest Period; and each of the High
 ‘ Contracting Parties agrees to fill up definitively, as soon

‘ as possible, the Vacancies which may arise in the above-
 ‘ mentioned Courts, from Death or from any other Cause
 ‘ whatever.

‘ The undersigned Plenipotentiaries have agreed, in
 ‘ conformity with the Thirteenth Article of the Treaty
 ‘ signed by them on this Day, the Twenty-fourth of *May*
 ‘ One thousand eight hundred and forty-one, that the
 ‘ preceding Regulations, consisting of Ten Articles, shall
 ‘ be annexed to the said Treaty, and considered as an
 ‘ integral Part thereof.

‘ The Twenty-fourth Day of *May* One thousand eight
 ‘ hundred and forty-one.

‘ (L. S.) *Walter Cope.*

‘ ANNEX (C.)

‘ To the TREATY between GREAT BRITAIN and the REPUBLIC
 ‘ of the EQUATOR, for the ABOLITION of the SLAVE TRADE
 ‘ of the REPUBLIC of the EQUATOR.

‘ *Regulations for the good Treatment of liberated Negroes.*

‘ ARTICLE I.—The Object of these Regulations is to
 ‘ secure to Negroes liberated by virtue of the Stipulations
 ‘ of the Treaty to which these Regulations form an Annex
 ‘ (marked C.) permanent good Treatment, and full and
 ‘ complete Freedom, in conformity with the humane Inten-
 ‘ tions of the High Contracting Parties.

‘ ARTICLE II.—Immediately after Sentence of Condem-
 ‘ nation shall have been passed by a Mixed Court of Justice
 ‘ established under the Treaty to which these Regulations
 ‘ form an Annex, on a Vessel charged with being concerned
 ‘ in Slave Trade, all Negroes who were on board such
 ‘ Vessel, and who were brought on board for the Purpose
 ‘ of Traffic, shall be delivered over to the Government to
 ‘ whom belongs the Cruiser which made the Capture.

‘ ARTICLE III.—If the Cruiser which made the Capture
 ‘ is *British*, the *British* Government engages that the Negroes
 ‘ shall be treated in exact Conformity with the Laws in
 ‘ force in the *British* Colonies applicable to free-born or to
 ‘ emancipated Negroes.

‘ ARTICLE IV.—If the Cruiser which made the Capture is
 ‘ *Equatorial*, then the Negroes shall be delivered over to the
 ‘ *Equatorial* Authorities of that Place in the Dominions of
 ‘ the Republic of the *Equator* in which the Mixed Court of
 ‘ Justice is established; and the *Equatorial* Government
 ‘ solemnly engages that such Negroes shall be there treated
 ‘ strictly according to the Regulations in force at the Time
 ‘ being in the Republic of the *Equator* with respect to free
 ‘ Negroes.

‘ **Negroes.** The Republic of the *Equator* further engages
 ‘ that those Regulations shall always be framed with the
 ‘ view of securing, honestly and faithfully, to emancipated
 ‘ Negroes, unmolested Liberty, good Treatment, a Know-
 ‘ ledge of the Tenets of the Christian Religion, Advance-
 ‘ ment in Morality and Civilization, and sufficient Instruc-
 ‘ tion in the Mechanical Arts to enable the said emancipated
 ‘ Negroes to earn their own Subsistence as Artisans,
 ‘ Mechanics, or Servants.

‘ **ARTICLE V.**—For the Purpose which is explained in
 ‘ the following Article, there shall be kept in the Office of
 ‘ the Governor, in that Part of the Possessions of the Re-
 ‘ public of the *Equator* where the Mixed Court of Justice
 ‘ resides, a Register of all emancipated Negroes; and in
 ‘ such Register shall be entered, with scrupulous Exactness,
 ‘ the Names given to the Negroes, the Names of the Vessels
 ‘ in which they were captured, the Names of the Persons to
 ‘ whose Care they have been committed, and any other
 ‘ Circumstances likely to contribute to the full and perma-
 ‘ nent Liberty and Welfare of such emancipated Negroes.

‘ **ARTICLE VI.**—The Register to which the preceding
 ‘ Article refers will serve to form a general Return, which
 ‘ the Governor of that Part of the Possessions of the Republic
 ‘ of the *Equator* where the Mixed Court of Justice resides
 ‘ shall be bound to deliver every Six Months to the aforesaid
 ‘ Mixed Commission, in order to show the continued Free-
 ‘ dom of the Negroes emancipated under this Treaty, the
 ‘ Improvement effected in their Condition, and the Progress
 ‘ made in their Religious and Moral Instruction, and in
 ‘ their Acquirement of the Arts of Life; the aforesaid
 ‘ Return shall also specify the Names and Descriptions of
 ‘ such of the emancipated Negroes as shall have died since
 ‘ the Period of the last Return.

‘ **ARTICLE VII.**—The High Contracting Parties agree,
 ‘ that if in future it should appear necessary to adopt new
 ‘ Measures, in consequence of those which are laid down in
 ‘ this Annex turning out inefficacious, the said High Con-
 ‘ tracting Parties will consult together, and will agree upon
 ‘ other Means better adapted for the complete Attainment
 ‘ of the Objects they have in view.

‘ The undersigned Plenipotentiaries have agreed, in con-
 ‘ formity with the Thirteenth Article of the Treaty signed
 ‘ by them on this Day, the Twenty-fourth of *May* One
 ‘ thousand eight hundred and forty-one, that this Annex,
 ‘ consisting of Seven Articles, shall be united to the said
 ‘ Treaty, and be considered an integral Part thereof.

‘ The Twenty-fourth Day of *May* One thousand eight
 ‘ hundred and forty-one.

‘ (L. S.) *Walter Cope.*

‘ **ARTICLES**

‘ ARTICLES ADDITIONAL to the Treaty concluded on the
 ‘ Twenty-fourth Day of *May* One thousand eight hun-
 ‘ dred and forty-one between Her *Britannic* Majesty
 ‘ and the Republic of the *Equator* for the Suppression
 ‘ of Slave Trade.

‘ ARTICLE I.—It is agreed and understood, that if there
 ‘ should be any Delay in appointing the Judge and Arbi-
 ‘ trator to be nominated on the Part of the Republic of
 ‘ the *Equator* to act in each of the Mixed Courts of Justice
 ‘ to be established under this Treaty, or if those Officers,
 ‘ after being appointed, should at any Time be absent, then
 ‘ and in either of such Cases the Judge and Arbitrator who
 ‘ shall be appointed on the Part of Her *Britannic* Majesty,
 ‘ and who shall be present in the said Courts, shall, in the
 ‘ Absence of the *Equatorial* Judge and Arbitrator, proceed
 ‘ to open the said Courts, and to adjudge such Cases as may
 ‘ be brought before them under the Treaty; and the Sen-
 ‘ tence pronounced upon such Cases by the said *British*
 ‘ Judge and Arbitrator shall have the same Force and
 ‘ Validity as if the Judge and the Arbitrator on the Part of
 ‘ the Republic of the *Equator* had been present and acting
 ‘ with them.

‘ ARTICLE II.—It is also agreed, notwithstanding the
 ‘ Provisions of the First Article of the Annex B., that so
 ‘ long as no *Equatorial* Judge and Arbitrator shall have
 ‘ been nominated it will be unnecessary for the Republic of
 ‘ the *Equator* to nominate the Secretary or Registrar men-
 ‘ tioned in the said Article; that in the meanwhile the
 ‘ Secretary or Registrar of the Court which may exist
 ‘ within the Territory of the Republic of the *Equator* shall
 ‘ be named and paid by the Government of Her *Britannic*
 ‘ Majesty, and that the entire Expense of both the Courts
 ‘ to be established under this Treaty shall be borne by the
 ‘ Government of Her *Britannic* Majesty.

‘ The present additional Articles shall form an integral
 ‘ Part of the Treaty for the Abolition of the Slave Trade
 ‘ of the Republic of the *Equator* signed this Day, and shall
 ‘ have the same Force and Validity as if they were inserted
 ‘ Word for Word in that Treaty, and shall be ratified in the
 ‘ same Form and at the same Time.

‘ The Twenty-fourth Day of *May* One thousand eight
 ‘ hundred and forty-one.

‘ (L.S.) *Walter Cope.*

‘ FURTHER ADDITIONAL ARTICLE to the Treaty concluded
 ‘ on the Twenty-fourth Day of *May* One thousand
 ‘ eight hundred and forty-one between *Great Britain*
 ‘ and the Republic of the *Equator* for the Abolition of
 ‘ the Traffic in Slaves.

‘ Her Majesty the Queen of the United Kingdom of
 ‘ *Great Britain* and *Ireland*, and His Excellency the Presi-
 ‘ dent

‘ dent of the Republic of the *Equator*, having deemed it convenient and necessary to prorogue the Term stipulated in the Fourteenth Article of the Treaty concluded on the Twenty-fourth Day of *May* One thousand eight hundred and forty-one between *Great Britain* and the Republic of the *Equator*, for the Abolition of the Traffic in Slaves, have named and authorized as their Plenipotentiaries *ad hoc* ; (that is to say,)

‘ Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, *Walter Cope* Esquire, Her Majesty’s Consul in the *Equator* :

‘ And His Excellency the President of the Republic of the *Equator*, General *José Maria Urbina*, Minister of State in general :

‘ Who, after having exchanged their full Powers, found to be in good and due Form, have agreed upon the following :

‘ The Term stipulated for the Exchange of the Ratifications of the Treaty for the Abolition of the Traffic in Slaves, signed by the Plenipotentiaries of *Great Britain* and the *Equator* on the Twenty-fourth Day of *May* One thousand eight hundred and forty-one, is prorogued, and in virtue of that Prorogation it is agreed by the Two Contracting Parties that the said Treaty shall be ratified, and the Ratifications exchanged in *Quito*, within the Space of Two Years from the Date hereof, or sooner if possible.

‘ In witness whereof the respective Plenipotentiaries have signed this Agreement in Duplicate, and have sealed it with their respective Seals.

‘ Done in the City of *Cuença* on the Fifteenth Day of *January* in the Year of our Lord One thousand eight hundred and forty-six.

‘ (L.S.) *Walter Cope*.

‘ And whereas the said Treaty was ratified between Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the Republic of the *Equator*, and such Ratifications exchanged at *Quito* on the Fifth Day of *July* One thousand eight hundred and forty-seven : And whereas it is expedient and necessary that effectual Provision should be made for carrying into execution the Provisions of the said Treaty, and Annexes thereto, and additional Articles :’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any Officer commanding any Ship of War of Her Majesty or of the Republic of the *Equator* not below the Rank of Lieutenant of the Royal Navy (unless the Command shall by reason of Death or otherwise be held by an Officer of inferior Rank), or by the Officer who at the Time shall be Second in Command of the Ship, and who shall be duly

Ratifications of Treaty exchanged on the 5th July 1847.

Officers commanding Ships of Her Majesty, or of the Republic of the *Equator*, being duly authorized and empowered, to visit and

search Mer-
chant Ships.

duly instructed and authorized according to the Provisions of the said Treaty, to visit and search any Merchant Vessel of either of the said Two Nations, which shall upon reasonable Grounds be suspected of being engaged in the Traffic in Slaves or Negroes from *Africa*, in order to transport them to other Parts of the World for Sale, or any Vessel fitted out for that Purpose, or of having been engaged in such Traffic during the Voyage in which such Vessel is met, and to detain and send or carry away such Vessel, together with its Masters, Sailors, Passengers, Slaves, and Cargo, for the Purpose of such Vessel being brought to Adjudication before One of the Mixed Courts of Justice to be established in virtue of the Seventh Article of the said Treaty; and all such Commanders and other Officers in the Exercise of such Rights shall comply with the several Provisions and Instructions of the said Treaty which apply thereto respectively.

Ships suspected
of having been
fitted out for
the Purpose of
the said Traffic
in Slaves liable
to Search and
Detention.

II. And be it enacted, That all Ships and Vessels belonging wholly or in part to Her Majesty's Subjects which shall be suspected upon reasonable Grounds of being engaged in the said Traffic in Slaves, or of having been fitted out for that Purpose, or of having been engaged in such Traffic during the Voyage in which such Vessel is met, and all Boats, Apparel, and Cargoes therein, shall be subject to Search and Detention by *British* or *Equatorian* Vessels of War duly authorized for that Purpose according to the Stipulations of the said Treaty, and subject to Condemnation or other Judgment by the Judges and Arbitrators of the Mixed Courts to be appointed according to the Provisions of the said Treaty.

Her Majesty
may appoint
Judges and
Arbitrators to
decide Cases of
Detention.

III. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint such Judges and Arbitrators as are in and by the said Treaty mentioned to be appointed by Her Majesty, and from Time to Time to supply any Vacancies which may arise in such Offices by appointing other Persons thereto, and to grant Salaries to such Judges and Arbitrators as aforesaid, not exceeding such annual Sums as the Commissioners of Her Majesty's Treasury shall from Time to Time direct; and such Judges and Arbitrators shall be empowered to examine and decide all such Cases of Detention, Captures, and Seizures of Vessels and their Cargoes as aforesaid, detained, seized, or captured under the said Treaty, as are by the said Treaty and by this Act made subject to their Jurisdiction, and to proceed therein, and give such Judgments, and make such Orders therein, and do all other Things appertaining thereto, agreeably to the Provisions of the said Treaty, as fully as if special Powers for that Purpose were inserted in this Act.

Her Majesty
may appoint
a Secretary or
Registrar to the
Mixed Court.

IV. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint a Secretary or Registrar to each of the Mixed Courts which shall be established, and from Time to

to Time to supply by other Appointments any Vacancy which may thereafter occur in such Office, and to grant a Salary to such Secretary or Registrar, not exceeding such annual Sum as the said Commissioners of Her Majesty's Treasury shall from Time to Time direct; and such Secretary or Registrar shall be empowered to perform all the Duties of such Office set forth by the said Treaty, and to do all such Things as may be necessary for the due Discharge of the Duties of his said Office.

V. And be it enacted, That in the Case of the Death, Sickness, Absence on Leave, or any other legal Impediment of any such *British* Judge of either of the said Courts established by virtue of the said Treaty, the *British* Arbitrator of such Court shall fill the Office of such Judge *ad interim* until the Office shall be thereafter filled by some Person appointed by Her Majesty, or until such Judge shall resume the Duties of his said Office; and that in case of such Vacancy of the Office of *British* Arbitrator of the Court established by virtue of the said Treaty in the Possessions of Her Majesty, or in case of the Death, Sickness, Absence on Leave, or other Impediment of the said Arbitrator of the said Court, the Office of such Arbitrator shall be filled *ad interim* successively by the Governor or Lieutenant Governor resident in such Possession, by the Principal Magistrate in the same, and by the Secretary of the Government, until the said Office shall be filled by some Person appointed by Her Majesty's Government, or until such Arbitrator shall resume the Duties of his said Office; and that in case of the Death, Sickness, Absence on Leave, or other legal Impediment of the *British* Arbitrator in the Court established by virtue of the said Treaty within the Possessions of the *Equatorian* Republic, or of his assuming *ad interim* the Duties of a Judge of the said Court as aforesaid, the Office of such *British* Arbitrator shall be filled *ad interim* successively by the *British* Consul and *British* Vice Consul resident in such Possession; and in case of such Vacancy of the Offices both of such *British* Judge and *British* Arbitrator, then that such Office of Judge shall be filled by the *British* Consul, and such Office of *British* Arbitrator by the *British* Vice Consul; and in case there shall be no *British* Consul or Vice Consul at such Place, then that it shall be lawful for the *Equatorian* Arbitrator to act in all those Cases in which a *British* Arbitrator, if there were any, would be required to act; and in case of such Vacancy in the Offices both of *British* Judge and *British* Arbitrator, and there should be neither a *British* Consul nor *British* Vice Consul resident at such Place, then that it shall be lawful for the *Equatorian* Judge and *Equatorian* Arbitrator of such Court to sit alone in such Court, and in all Cases brought before them for Adjudication to adjudge the same, and pass Sentence accordingly, until the said Offices shall respectively be thereafter filled by some Person or Persons appointed by Her Majesty, or until the said *British* Judge and *British* Arbitrator shall resume the Duties of their said Offices respectively.

In case of the Death or Incapacity from Illness of any *British* Judge of such Courts, or of the *British* Arbitrator.

VI. And

Judges and Arbitrators to take an Oath.

VI. And be it enacted, That every such Judge and Arbitrator so appointed by Her Majesty, before he shall enter upon the Execution of any of the Duties of such his Office, shall take an Oath in the Presence of the principal Magistrate then residing and acting in the Colony, Settlement, or Place in which the Court shall be established, whether belonging to Her *Britannic* Majesty or to the Republic of the *Equator*, which Oath any such Magistrate shall be authorized to administer in the Form following; that is to say,

Form of Oath.

‘ I *A.B.* do solemnly swear, That I will, according to the best
‘ of my Skill and Knowledge, act in the Execution of my
‘ Office as faithfully, impartially, fairly, and without
‘ Preference or Favour either for Claimants or Captors or any
‘ other Persons; and that I will, to the best of my Judgment
‘ and Power, act in pursuance of and according to the Stipulations, Regulations, and Instructions contained in the Treaty
‘ between Her Majesty and the Republic of the *Equator* signed
‘ at on the in the Year One thousand
‘ eight hundred and .’

Secretary or Registrar's Oath.

And every Secretary or Registrar appointed by Her Majesty under the Provisions of the said Treaty, and of this Act, before he enters on the Duties of his said Office, shall take an Oath before One of the Judges of the said Court, who shall be empowered to administer the same, in the Form following; (that is to say,)

‘ I *A.B.* do solemnly swear, That I will, according to the best
‘ of my Skill and Knowledge, act in the Execution of my
‘ Office, and that I will conduct myself with respect to the
‘ Authority of the Judges and Arbitrators of the Court to
‘ which I am attached, and will act with Fidelity in all the
‘ Affairs which may belong to my Charge, and without Preference or Favour either for Claimants or Captors or any other
‘ Persons.’

Judges and Arbitrators may administer Oaths.

VII. And be it enacted, That it shall be lawful for the said Judges or Arbitrators, or either of them, or for any such Secretary or Registrar, to administer Oaths to and take the Depositions of all Parties, Witnesses, and other Persons who may come or be brought before them to be examined, or for the Purpose of deposing, in the course of any Proceeding before the said Judges or Arbitrators under the said Treaty and this Act; and it shall also be lawful for the said Judges and Arbitrators to summon before them all Persons whom they may deem it necessary or proper to examine in relation to any Proceeding under their Cognizance, and to send for and issue Precepts for the producing of all such Papers as may relate to the Matters in question before them, and to enforce all such Summonses, Orders, and Precepts by such and the like Means, Powers, and Authorities as any Court of Vice Admiralty may do.

Punishing Persons giving false Evidence.

VIII. And be it enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had or Affidavit taken in any Proceeding before the Judges or Arbitrators aforesaid, under the said Treaty or this

this Act, shall be deemed guilty of Perjury, and being thereof convicted shall be subject and liable to all the Pains and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury either in the Place where the Offence was committed or in any Colony or Settlement of Her Majesty near thereto in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England*, and that in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench the Venue may be laid in the County of *Middlesex*.

IX. And be it enacted, That the Pendency of any Suit or Proceedings instituted before the said Judges or Arbitrators for the Condemnation or Restitution of any Ship or Cargo or Slaves taken, seized, or detained by virtue of the said Treaty, or the final Adjudication, Condemnation, or Judgment or Determination thereupon, may be pleaded in bar or given in Evidence under the General Issue, and shall be deemed in any Court whatever to be a complete Bar in any Action, Suit, or Proceeding, whether instituted by any Person or Persons for the Recovery of any such Ship, Vessel, or Cargo, or of any Damage or for any Injury sustained thereby, or by the Persons on board the same, in consequence of any Capture, Seizure, or Detention, or anything done in pursuance of the Provisions of the said Treaty.

Pendency of Suits before the Judges to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained.

X. And be it declared and enacted, That if any of the Particulars specified in the Ninth Article of the said Treaty shall be found in the Outfit and Equipment of or on board any such Merchant Vessel engaged or to be engaged in such Traffic, and visited and detained in pursuance of the said Treaty, such Vessel, unless Proof be given to the contrary, shall be taken to have been engaged in the said Traffic, or to have been fitted out for the Purposes of such Traffic, and to be equipped and employed for the Purposes declared unlawful.

Vessels equipped for Traffic in Slaves to be deemed engaged in the Slave Trade.

XI. And be it enacted, That any Ship or Vessel which shall be condemned under any such Authority as aforesaid may be taken into Her Majesty's Service upon Payment of such Sum as the Lord High Admiral or the Lords Commissioners of the Admiralty shall deem a proper Price for the same, or, if not so taken, shall be broken up and demolished, and the Materials thereof shall be publicly sold in separate Parts, together with the Goods, Wares, and Merchandize laden therein, for the Profit of the Two Governments of *Great Britain* and the Republic of the *Equator*, and the Proceeds thereof shall be paid to such Person or Persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

Vessels condemned to be sold for Her Majesty's Service or broken up.

XII. And be it enacted, That where any Ship or Vessel employed or engaged in illicit Traffic in Slaves, in violation of the said Treaty, shall be seized by any Ship or Vessel belonging to Her Majesty duly authorized to make such Seizure under the Provisions of the said Treaty or Articles, and shall be afterwards condemned by any of the Commissioners appointed in virtue

Captors of Vessels shall, after the same are condemned, be entitled to the Portion of the Proceeds belonging to Her Majesty.

of the Treaty or Articles aforesaid, there shall be paid to the Captors the Portion to which Her Majesty is entitled, such Portion to be distributed in the Manner herein-after directed for the Distribution of Bounties on Slaves taken on board the said Vessels.

Bounty for
Slaves captured.

XIII. And be it enacted, That there shall be paid to the Commanders, Officers, and Crew of Her Majesty's Ships authorized to make Seizures under the said Treaty a Bounty of Five Pounds for every Man, Woman, and Child Slave seized and found on board a *British* or *Equatorian* Ship or Vessel taken and condemned in pursuance of the Provisions of the said Treaty and of this Act, such Bounty to be distributed to and amongst the Captors aforesaid in such Manner and Proportions as Her Majesty shall think fit to order by any Order in Council or by any Proclamation to be made for that Purpose.

Bounty on Ton-
nage of Slave
Ships captured
and demolished.

XIV. And be it enacted, That where any Ship or Vessel which shall have been seized and condemned under the Provisions of the said Treaty shall have been or shall be demolished, and the Materials thereof publicly sold in separate Parts, as well as her Cargo, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizures, and in addition to the Amount which may be payable in respect of Her Majesty's Portion of the Proceeds of such Sale as herein-before mentioned, a further Bounty on the Tonnage of such Ship or Vessel at the Rate of Thirty Shillings for every Ton of such Tonnage.

Where no Slaves
are on board a
Ship seized, an
additional
Bounty to be
paid.

XV. And be it enacted, That where any Ship or Vessel having no Slaves on board shall have been seized and condemned under the Provisions of the said Treaty there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizure an additional Bounty upon the Tonnage of such Ship or Vessel, at the Rate of Four Pounds for every Ton; and the Tonnage of all such Vessels shall be ascertained according to the Mode of ascertaining the Admeasurement of *British* Vessels, either by the principal Officer of the Customs at the Port where the Vessel may be at the Time of Condemnation, or in default thereof by the best Evidence which can be obtained, to be certified by the Commissioners by whom such Condemnation shall be pronounced: Provided always, that in every Case in which any Ship or Vessel shall be seized with Slaves on board, in which the Bounty calculated upon the Number of Slaves shall be less than the Bounty calculated upon the Tonnage, the Commanders of Her Majesty's Ships making the Seizure may elect to take the Bounty calculated according to Tonnage, instead of the Bounty which would be payable upon the Number of Slaves on board.

Bounties to be
paid out of Con-
solidated Fund.

XVI. And be it enacted, That all Bounties payable under this Act shall be payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make such Seizures under the Provisions of any such Treaty.

Treaties or Conventions, and such Bounties shall be issued and paid by Order from the Commissioners of Her Majesty's Treasury.

XVII. And be it enacted, That the said Bounty, as also all Bounties payable under any of the Acts for the Abolition or Suppression of the Slave Trade, shall not hereafter be charged with Treasury Fees or Exchequer Fees of any Description.

Bounties not liable to Payment of Fees.

XVIII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Tonnage of the Ship or Vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy duly certified, of the Sentence or Decree of Condemnation, or by such documentary or other Evidence as they may deem satisfactory.

Proof of Tonnage.

XIX. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, military or civil, who may be appointed to receive such Slaves.

Copy of Sentence of Condemnation to be produced to the Commissioners of the Treasury.

XX. And be it enacted, That where any Slaves or Persons treated as Slaves shall be seized on board any *British* or *Equatorial* Ship or Vessel taken and condemned in pursuance of the Provisions of the said Treaty and of this Act, but who shall not have been delivered over in consequence of Death, Sickiness, or other inevitable Circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct the Payment of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over.

One Moiety of the Bounty only to be paid in certain Cases.

XXI. Provided also, and be it enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any *British* or *Equatorial* Vessel confiscated in pursuance of the Provisions of the aforesaid Treaty, may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf; and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act.

Parties claiming Benefit under this Act may resort to the Court of Admiralty.

XXII. And be it enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize and the Per-centage due thereon to *Greenwich* Hospital, shall be extended to all Bounties and Proceeds to be distributed under the Provisions of this Act to the

Regulations and Penalties respecting Prize Agents Accounts extended to Bounties and Proceeds under this Act.

Officers and Crews of any of Her Majesty's Ships and Vessels of War.

Commissioners of the Treasury may order Payment of Costs awarded for Vessels of Her Majesty detained, but not condemned.

XXIII. And be it enacted, That where any Ship or Vessel belonging in whole or in part to Subjects of the Republic of the *Equator* shall have been detained and brought to Adjudication by any Officers of Her Majesty the Queen of *Great Britain* and *Ireland*, and the said Ship shall be restored by Sentence of the Court, as is mentioned in the Fifth Article of the Annex B. to the said Treaty, it shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Costs or Damages which may be duly awarded according to the Provisions of the said last-mentioned Article: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made when lawfully called upon by Order of the said Commissioners of Her Majesty's Treasury.

Treasury may repay to the Seizor of any Vessel not condemned the Expenses incurred by him.

XXIV. And be it enacted, That when any Seizure shall be made by any of the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make such Seizures under the aforesaid Treaty, and Judgment shall be given against the Seizor, or when such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of such Costs and Expenses as the Seizor may have incurred in respect of such Seizure, or any proportional Part thereof.

CAP. CXVII.

An Act for rendering certain Newspapers published in the *Channel Islands* and the *Isle of Man* liable to Postage. [4th September 1848.]

Newspapers from the Channel Islands or from the Isle of Man to be liable to the Payment of Rates or Duties of Postage.

‘ WHEREAS it is expedient to render certain Newspapers published in the *Channel Islands* and the *Isle of Man* liable to Postage:’ Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Postmaster General, with the Consent of the Commissioners of Her Majesty's Treasury (signified under the Hands of the said Commissioners, or any Three of them, or under the Hand of One of their Secretaries or Assistant Secretaries), may from Time to Time, and at all Times hereafter, charge any Newspapers printed or published in any of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*, and sent by the Post between any of such Islands and *Great Britain* or *Ireland*, or sent by the Post in *Great Britain* or *Ireland*, with such Rates or Duties of Postage

Postage as the Postmaster General, with such Consent as aforesaid, shall think fit, but not exceeding the Rates or Duties to which such Newspapers would be liable if they were Letters sent by the Post; and the Postmaster General may from Time to Time, with such Consent as aforesaid, alter or repeal any such Rates or Duties of Postage, and charge any such Newspapers with any other Rates or Duties of Postage, not exceeding the Rates to which such Newspapers would be liable if they were Letters (or may exempt any such Newspapers from all Duties of Postage), in lieu thereof, and the Rates or Duties of Postage from Time to Time to become chargeable under or by virtue of this Act shall be paid accordingly; and the Monies paid to or received by the Post Office for such Rates or Duties shall form Part of the Revenue of the Post Office.

II. And be it enacted, That this Act shall be deemed and taken to be a Post Office Act, and that the several Terms and Expressions used in this Act shall be construed according to the respective Interpretations of the Terms and Expressions contained in an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of the Duties of Postage*, so far as those Interpretations are not repugnant to the Subject, or inconsistent with the Context of such Terms and Expressions.

Act to be deemed a Post Office Act, and Terms to be construed as directed by 3 & 4 Vict. c. 96.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

Act may be amended, &c.

CAP. CXVIII.

An Act to explain and amend the Law as to the Licence required for the letting of Post Horses to Hire in *Ireland*, and the Law respecting Proceedings for Duties and Penalties under the Post Horse, Stage, and Hackney Carriage Acts in the United Kingdom.

[4th September 1848.]

‘ WHEREAS by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third intituled *An Act, to grant certain Duties of Excise upon Licences for the Sale of Spirituous and other Liquors by Retail, and upon Licences to Persons dealing in exciseable Commodities, in Ireland, in lieu of the Stamp Duties payable upon such Licences, and to secure the Payment of such Excise Duties, and to regulate the issuing of such Licences, and to discourage the immoderate Use of Spirituous Liquors in Ireland*, and by the Schedule to that Act annexed, a certain Duty is granted and made payable upon and in respect of Licences to Persons to let to Hire any Horse for the Purpose of travelling Post by the Mile or from Stage to Stage in *Ireland*; and by an Act of the Seventh and Eighth Years of the Reign of Her Majesty Queen Victoria, intituled *An Act to transfer the Collection of the Duty on Licences to let Horses for Hire in Ireland from the Commissioners of Stamps to*

55 G. 3. c. 19.

7 & 8 Vict. c. 67.

Licences to let Horses to Hire in Ireland, mentioned in recited Act 55 G. 3. c. 19., to be deemed to be taken out by all Persons letting Horses to Hire, under a Penalty of 50*l*.

Commissioners may direct Proceedings to be taken for Recovery of the Duties and Penalties levied under 2 & 3 W. 4. c. 120., 5 & 6 Vict. c. 79., 1 & 2 W. 4. c. 22., 7 & 8 G. 4. c. 53., and 4 & 5 W. 4. c. 51.

‘ *the Commissioners of Excise*, such Duty is placed under the Collection and Management of the Commissioners of Excise, and directed to be denominated and taken to be an Excise Duty: And whereas Doubts have arisen whether such Licence is required to be taken out by every Person who lets any Horse for Hire, whether the same be for the Purpose of travelling Post by the Mile, or from Stage to Stage, or otherwise, in *Ireland*:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Licence in the said Act of the Fifty-fifth Year aforesaid mentioned shall be deemed and taken to have been and to be required to be taken out, and the Duty by that Act granted paid, by every Person who has let or who lets to Hire any Horse in *Ireland*, and that any Person so having let or letting any Horse in *Ireland* without such Licence shall be subject to the Penalty of Fifty Pounds imposed by the said Act upon the letting to Hire any Horse for the Purpose of travelling Post by the Mile or from Stage to Stage, and that the Duties of Excise heretofore collected and charged for or in respect of the Licence before mentioned shall be deemed and taken to have been lawfully charged on all Persons who have let to Hire any Horse in *Ireland*, whether the same has been for the Purpose of travelling Post by the Mile, or from Stage to Stage, or otherwise; and all Penalties heretofore incurred for or in respect thereof shall be deemed and taken to have been legally incurred (save and except in any Case in which the same has been already determined to the contrary in any Court of Law of competent Jurisdiction); and all such Duties and Penalties (save and except as aforesaid) shall be recovered, paid, and applied as any other Duties or Penalties of Excise due or in arrear may now be recovered, paid, and applied under any Law or Laws of Excise; and the Commissioners of Excise, and their Officers duly authorized to grant Licences, shall be indemnified, freed, and discharged from all Actions, Causes of Action, and Damages for or in respect of any Act heretofore done by them in granting any such Licences.

II. And be it enacted, That all Duties of Excise by the said recited Acts granted, and as by this Act explained, for and in respect of the Licence to let to Hire any Horse in *Ireland*, and all Penalties imposed by the said Acts upon Persons so letting Horses to Hire without such Licence, and all Duties imposed on Horses let for Hire in *Great Britain*, and on Licences relating to the same, by an Act of the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal the Duties under the Management of the Commissioners of Stamps on Stage Carriages and on Horses let for Hire in Great Britain, and to grant other Duties in lieu thereof, and also to consolidate and amend the Laws relating thereto*, and all Duties imposed for and in respect of Stage Carriages, and of Licences for keeping or using the same, and for and in respect of Passengers conveyed upon Railways, by an Act of the Fifth and

Sixth Years of the Reign of Her Majesty, intituled *An Act to repeal the Duties payable on Stage Carriages and on Passengers conveyed upon Railways, and certain other Stamp Duties in Great Britain, and to grant other Duties in lieu thereof, and also to amend the Laws relating to the Stamp Duties*, and all Duties imposed for and in respect of Licences to keep, use, and let to Hire Hackney Carriages within the Distance of Five Miles from the General Post Office in the City of London, by an Act of the First and Second Years of the Reign of His said Majesty King William the Fourth, intituled *An Act to amend the Laws relating to Hackney Carriages, and to Waggon, Carts, and Drays used in the Metropolis, and to place the Collection of the Duties on Hackney Carriages and on Hawkers and Pedlars in England under the Commissioners of Stamps*, all which several Duties are declared by Law to be Duties of Excise, and placed under the Collection and Management of the Commissioners of Excise, and all Penalties, Fines, and Forfeitures imposed by the said recited Acts or any of them, or by any other Act or Acts of Parliament relating to the several Duties or any of them, may, by Order of the Commissioners of Excise, be collected, sued for, recovered, levied, mitigated, paid, and applied as by the said recited Acts or any of them, or by any of the Acts aforesaid, is directed, or by the same Ways, Means, and Methods, and in like Manner, and under the same general or special Powers, Provisions, Regulations, and Directions as to Appeal, and in all other respects, as any other Duties of Excise, or any Fines, Penalties, or Forfeitures in such respect are directed to be collected, sued for, recovered, levied, mitigated, paid, and applied under an Act of Parliament of the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout Great Britain and Ireland*, as amended by another Act of the Fourth and Fifth Years of the Reign of His said Majesty King William the Fourth, intituled *An Act to amend the Laws relating to the Collection and Management of the Revenue of Excise*, (except so far as the same is afterwards repealed by this Act,) and as amended by any other Act or Acts relating to the Collection and Management of the Duties of Excise, anything in any Act or Acts of Parliament transferring the Collection and Management of the Duties before specified to the Commissioners of Excise to the contrary thereof notwithstanding.

III. ‘ And whereas by the said Act of the Fourth and Fifth Years of the Reign of His said Majesty King William the Fourth it is, amongst other things, enacted, “ that every Information for the Recovery of any Penalty, or for the Contemnation of any Seizure, shall be exhibited before the Commissioners of Excise or Justice or Justices of the Peace respectively within Four Calendar Months next after the Offence or Offences alleged in such Information shall have been committed, or the Goods, Commodities, Chattels, or Things therein alleged to have been forfeited shall have been

So much of
4 & 5 W. 4. c. 51.
as is herein re-
cited repealed.

After passing of this Act every Information for Recovery of Penalties, &c. may be brought before the Commissioners of Excise or Justices within Six Months from Commission of Offences.

‘ “ seized :” And whereas there is no such Limitation of Time
 ‘ to the like Proceedings before Justices directed by the said
 ‘ Act of the Second and Third Years of the Reign of His said
 ‘ Majesty King *William* the Fourth :’ Be it enacted, That so
 much of the said Act of the Fourth and Fifth Years of the Reign
 of His said Majesty King *William* the Fourth as is herein-before
 recited shall be and the same is hereby repealed ; and that from
 and after the passing of this Act every Information exhibited by
 Order of the Commissioners of Excise for the Recovery of any
 Penalty imposed, or for the Condemnation of any Seizure made
 as forfeited under or by virtue of any Act or Acts relating to
 any Duties under the Collection and Management of the Com-
 missioners of Excise or of the Commissioners of Customs, may
 be exhibited before the Commissioners of Excise or Justice
 or Justices of the Peace respectively at any Time within Six
 Calendar Months after the Offence or Offences alleged in such
 Information have been committed, or the Goods, Commodities,
 Chattels, or Things therein alleged to have been forfeited have
 been seized, and all such Proceedings shall be afterwards had
 thereupon as by Law directed, anything in any other Act or
 Acts of Parliament to the contrary thereof notwithstanding.

CAP. CXIX.

An Act to simplify the Forms of Certificates under
 the Act authorizing the Advance of Money for the
 Improvement of Land by Drainage in *Great Britain*.
 [4th September 1848.]

9 & 10 Vict.
 c. 101.

10 & 11 Vict.
 c. 11.

Lands in Second
 and subsequent
 Certificates may
 be specified by
 Reference to
 the First.

‘ **W**HEREAS an Act was passed in the Session of Parliament
 ‘ holden in the Ninth and Tenth Years of Her present
 ‘ Majesty, intituled *An Act to authorize the Advance of Public*
 ‘ *Money to a limited Amount to promote the Improvement of Land*
 ‘ *in Great Britain and Ireland by Works of Drainage*, and the
 ‘ said Act was explained and amended by an Act of the last
 ‘ Session of Parliament : And whereas Doubts have been enter-
 ‘ tained whether, in Cases where more than One Certificate for
 ‘ an Advance is issued in respect of the same Provisional Cer-
 ‘ tificate under the said Acts, the Specifications of the Lands
 ‘ should not be repeated in full in every such Certificate ; it is
 ‘ expedient that the Provisions of the said Acts as to such Cer-
 ‘ tificates of Advance should be amended and explained as here-
 ‘ after mentioned :’ Be it enacted and declared, therefore, by
 the Queen’s most Excellent Majesty, by and with the Advice
 and Consent of the Lords Spiritual and Temporal, and Com-
 mons, in this present Parliament assembled, and by the Autho-
 rity of the same, That where more than One Certificate for an
 Advance under the said Acts or either of them shall be issued
 in respect of the Works referred to in the same Provisional
 Certificate, it shall not be necessary in the Second or any sub-
 sequent Certificate for an Advance in respect of such Works to
 specify

specify the Land in respect of which such Advance is to be made, except by way of Reference to the Specification in the First Certificate of Advance as herein-after mentioned, but it shall be sufficient that such Second and every subsequent Certificate shall certify that the Land to be charged in respect of the Advance under such Certificate is the Land which is specified in the First Certificate of Advance in respect of the Works referred to in the same Provisional Certificate, and shall state the Date of such First Certificate, and the Sum which the Commissioners shall have therein certified should be issued.

II. And be it enacted, That it shall be lawful for the Commissioners, where they shall think fit, with the Approval of the Commissioners of Her Majesty's Treasury, notified by One of their Secretaries by any Memorandum in Writing under the Seal of the Commissioners, to cancel any Certificate for an Advance under the said Acts upon which no Advance shall have been actually made, and thereupon such Certificate shall be wholly void; and it shall be lawful for the Commissioners to proceed as if no such Certificate had been made or issued.

Commissioners, with Approval of Treasury, may cancel Certificates, &c.

III. Provided always, and be it enacted, That where any such Certificate which shall have been so cancelled as aforesaid shall have been registered in the General or Particular Register of Sasines in *Scotland*, the said Commissioners shall and may deliver to the Owner of the Lands or the Party to whom such Certificate so cancelled as aforesaid was granted, or other Party interested, a Duplicate of the said Memorandum of such Cancellation, and such Owner or Party shall cause the said Memorandum to be duly registered in the General or Particular Register of Sasines in which such cancelled Certificate was registered, and the Keeper of such Register is hereby authorized and required to register the same accordingly, and to grant an Indorsement on the said Memorandum, certifying that the same has been duly registered.

Where cancelled Certificate shall have been registered in Scotland, Commissioners to deliver a Memorandum of Cancellation, which shall be registered, &c.

IV. And be it enacted, That this Act and the said recited Act shall be construed together as One Act.

This Act and recited Act to be One

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

CAP. CXX.

An Act to facilitate the Transfer of Landed Property in *Ireland*.
[4th September 1848.]

‘ WHEREAS it is expedient to afford further Facilities for the Transfer of Landed Property in *Ireland*, by diminishing the Expense of Registry Searches, and otherwise as herein-after mentioned:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Registrar of

Registrar of Deeds, &c., previous to giving

out any Negative Search, to cause a Copy to be recorded in Registry Office.

Deeds and the Registrar of Judgments in *Ireland* for the Time being shall and they are hereby required, previous to giving out of said Office any Negative Search, to cause a Copy of such Negative Search to be entered on Parchment in Books to be provided for the Purpose, and to be kept in their Offices respectively among the Records thereof.

Books containing Copies of Negative Searches to be numbered, and Number and Page of Book to be endorsed on original Search.

II. And be it enacted, That every Book wherein any such Copy of a Negative Search and Certificate as aforesaid shall be entered shall be numbered or otherwise distinguished in some appropriate and convenient Manner, and the Pages of each such Book shall be numbered consecutively, and the Number or other distinctive Mark of every such Book, and the Number or Numbers of the Page or Pages thereof, wherein any such Negative Search and Certificate shall be copied, shall be specified at Foot of the Certificate, signed by the Registrar or Assistant Registrar in manner following; (that is to say,) "Copied in Book, No. Page Number."

Indexes to be provided for the Books containing Copies of Negative Searches.

III. And be it enacted, That the said Registrars for the Time being shall and they are hereby required respectively to cause a sufficient Index or sufficient Indexes to be prepared, in such Form as the Commissioners of Her Majesty's Treasury for the Time being, or any Three of them, shall from Time to Time direct, to the Books containing the Copies of Searches made pursuant to this Act; and in such Indexes shall be entered, in some convenient Manner for Reference, the Name or Names of some One or more of the Persons whose Acts such Negative Search shall relate to; and that the said Registrar of Deeds shall also cause to be prepared another sufficient Index or other sufficient Indexes to the said Books, containing the said Copies of the said Negative Searches, in such Form as the said Commissioners of Her Majesty's Treasury for the Time being, or any Three of them, shall from Time to Time direct, wherein shall be entered, in some convenient Form for Reference, the Name or Names of some One or more of the Denominations of Land mentioned in the Requisition for such Negative Search; and all Persons shall be at liberty to search the said Books on Payment of the Fee mentioned in the Schedule hereunto annexed.

Power to search Books on Payment of Fee.

Attested Copies of recorded Searches to be given by Registrar, &c. upon Payment of Fee.

IV. And be it enacted, That every Person requiring the same shall be entitled to an attested Copy of any Search so recorded as aforesaid, or any Portion thereof, upon Payment of the Fees mentioned in the Schedule hereunto annexed; and the Registrar or Assistant Registrar of Deeds and Registrar of Judgments in *Ireland* for the Time being, upon being furnished with a specific Requisition, shall cause to be delivered to the Person making such Requisition an attested Copy of every such recorded Negative Search, or the Portion thereof in such Requisition mentioned; and all the Penalties and Liabilities to which such Registrars and Assistant Registrars are liable in respect of Fraud, Collusion, or Neglect in making the original Searches and Certificates shall extend to the attested Copies to be given under this Act.

V. And be it enacted, That every such attested Copy of every such recorded Negative Search and Certificate, so signed as aforesaid, shall have the same Force and Effect, and shall be accepted and received in the same Manner and for the same Purposes, as an original Negative Search or Certificate to the same Extent and in the same Terms.

Such Copy to be equivalent to a new Search to the same Extent.

VI. And be it enacted, That the Fees payable to the said Registrar of Deeds and Registrar of Judgments under this Act shall be deemed and taken to be Part of the Fees payable to them under the Acts for the Regulation of their respective Offices, and shall be applied and accounted for according to the Provisions of said Acts.

Fees to be accounted for as under Act for regulating Registry Office.

VII. And whereas by the said Act of the Second and Third Years of His late Majesty King *William the Fourth*, intituled *An Act for regulating the Office for registering Deeds, Conveyances, and Wills in Ireland*, it was provided that alphabetical Indexes of the Names of the Persons and of the Lands affected by the Memorials registered in said Office should be made and kept in the Manner and according to the Form particularly specified in said Act: And whereas the making of Searches in said Office may be facilitated by Alterations in the Form of such Indexes: Be it therefore enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury, or any Three of them for the Time being, by an Order under their Hands, from Time to Time to make any Alterations in the Forms of the Indexes of Names and Lands directed by said recited Act to be made, and to order that a sufficient Index or Indexes shall be prepared to the several Books in the Office of the said Registrar of Judgments; and from the Time of making any such Order, or from any Time to be specified therein, the said Indexes shall be made and kept in such Manner and Form as the said Commissioners of Her Majesty's Treasury, or any Three of them, shall in such Order specify and direct; and it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, or any Three of them, in like Manner to vary or rescind any such Order as aforesaid.

Power to Treasury to alter the Forms of Indexes of Names and Lands directed by 2 & 3 W. 4. c. 87.

VIII. And be it enacted, That it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, or any Three of them, from Time to Time to order and direct that any Expense which may appear to them to be requisite for or to be necessarily and properly incurred in carrying the Purposes of this Act into effect shall be defrayed out of the Balances on the Accounts of the said Registrars in respect of the said Register Offices, or in such other Manner as the said Commissioners shall think fit to direct.

Power to Treasury to direct Expenses consequent upon this Act to be defrayed out of Balances in Registrar's Hands.

IX. And be it enacted, That for and in respect of the Entries, Endorsements, Certificates, and other Matters or Acts hereby directed or required to be performed, the Officers discharging said Duties shall respectively be entitled to demand and receive the several Fees specified in the Schedule to this Act annexed, which Schedule, and all Directions therein contained, shall be deemed and taken to be Part of this Act; and that it shall and may

Power to demand Fees as specified in the Schedule to this Act.

may be lawful for the said Commissioners of Her Majesty's Treasury, or any Three of them, by Order under their Hands, from Time to Time to alter and vary the Fees specified in the said Schedule, and to substitute other Fees therefor.

Registrar of
Judgments,
upon Production
of Certificate of
Satisfaction of
Judgment, to
enter Memo-
randum thereof
upon Entry of
Registry.
7 & 8 Vict. c. 90.

3 & 4 Vict. c. 105.

X. ' And whereas by an Act made and passed in the Session
' of Parliament holden in the Seventh and Eighth Years of the
' Reign of Her present Majesty, intituled *An Act for the Protec-*
' *tion of Purchasers against Judgments, Crown Debts, Lis Pendens,*
' *and Commissions of Bankruptcy, and for providing One Office for*
' *the registering of all Judgments in Ireland, and for amending the*
' *Laws in Ireland respecting Bankrupts and the Limitation of*
' *Actions,* Provision was made for the Registry in the Office
' created by said Act, and called the "Judgment Office," of all
' Judgments of the Superior Courts of Common Law, and of
' Crown Bonds and Recognizances, and of all Decrees, Rules,
' and Orders which, under the Provisions of the Act made and
' passed in the Third and Fourth Years of the Reign of Her
' Majesty, intituled *An Act for abolishing Arrests on Mesne Process*
' *in Civil Actions, except in certain Cases, and for extending the*
' *Remedies of Creditors against the Property of Debtors, and for*
' *the further Amendment of the Law and better Advancement of*
' *Justice in Ireland,* had the Force and Effect of Judgments of
' the Superior Courts of Common Law, in order to make same
' binding as against Purchasers, Mortgagees, and Creditors, but
' no sufficient Provision was made by said recited Act for the
' Registry in said Office of the Satisfaction of Judgments, Crown
' Bonds or Recognizances, Decrees, Rules, or Orders registered
' therein: Be it therefore enacted, That the Registrar of Judg-
ments for the Time being shall, upon the Lodgment with him
of a Certificate of the Entry of Satisfaction upon the Roll of any
Judgment of any of the Superior Courts of Common Law which
may have been registered under said recited Act, or which may
appear upon the Books of Revivals and Redocketings which
under the Provisions of said recited Act were transferred to said
Registrar, signed by the proper Officer of such Superior Court
of Common Law, or upon the Lodgment with him of the Cer-
tificate of the cancelling or vacate of any Bond or Recognizance
to the Crown, signed by the proper Officer in that Behalf,
and which Certificate such Officers are hereby authorized and
required respectively to give, cause a Memorandum of such
Satisfaction, cancelling, or vacate to be subscribed to the Entry
of the Registry of such Judgment, or of the Revival or Redocket-
ing thereof, or of such Crown Bond or Recognizance, specify-
ing the Date at which such Satisfaction, cancelling, or vacate
appears by such Certificate to have been entered on Record, and
shall sign such Memorandum, and shall, if required, endorse
upon a Duplicate of such Certificate a Minute, stating that such
Memorandum has been entered as aforesaid; and upon every
Search made in the said Judgment Office subsequently to the
Entry of such Memorandum as aforesaid, whereon such Judg-
ment, Crown Bond or Recognizance shall appear, the Entry of
such Memorandum shall be stated.

XI. And be it enacted, That from and after the passing of this Act every Court, Judge, Commissioner, or other Person by whom any Decree, Rule, or Order has been or shall be pronounced or made, which, under the said Act of the Third and Fourth Years of the Reign of Her Majesty, has the Force and Effect of a Judgment, upon its being made to appear to them or him that such Decree, Rule, or Order has been fully performed, complied with, or satisfied, shall direct the proper Officer to give a Certificate thereof, and record the same in his Office; and in case said Decree, Rule, or Order shall have been or shall be registered under the Provisions of the said Act of the Third and Fourth Years of the Reign of Her Majesty, or under the Provisions of the said recited Act of the Seventh and Eighth Years of the Reign of Her Majesty, the Registrar of Judgments shall, upon the Lodgment with him of such Certificate, cause a Memorandum thereof to be annexed or subscribed to the Entry of the Registry of such Decree, Rule, or Order, specifying therein the Date of such Certificate, and shall sign such Memorandum, and shall, if required, cause a Minute of the Entry of such Memorandum to be endorsed upon a Duplicate of such Certificate; and in every Search made in said Judgment Office after the Entry of such Memorandum, whereon such Decree, Rule, or Order shall appear, the Entry of such Memorandum of Satisfaction shall also be stated.

Court, &c. by whom Decree has been pronounced shall direct Officer to give Certificate thereof, and record same.

In case Decree has been registered under 3 & 4 Vict. c. 105., or under 7 & 8 Vict. c. 90., a Memorandum to be annexed to the Entry of Registry.

XII. And be it enacted, That from and after the passing of this Act no Judgment, Crown Bond or Recognizance, Rule, Decree, Order, or Lis Pendens, shall be registered by the said Registrar of Judgments, pursuant to the Provisions of the said Act of the Seventh and Eighth Years of the present Reign, unless and until there shall be subscribed to the Memorandum or Minute by said Act required to be left with said Registrar a Certificate of the Existence of the Judgment, Crown Bond or Recognizance, Rule, Decree, Order, or Lis Pendens, described in said Memorandum or Minute, such Certificate to be signed by the proper Officer of the Court in which such Judgment, Crown Bond or Recognizance, Rule, Decree, Order, or Lis Pendens shall have been entered or obtained; and that the said Registrar of Judgments, upon the Lodgment with him of any such Memorandum or Minute, shall, if required, endorse upon a Duplicate thereof a Certificate of the Lodgment and Entry thereof, for which Certificate no Fee shall be paid to him beyond the Fee authorized by the said Act for such Entry.

No Judgment, &c. to be registered until Certificate of the Existence of such Judgment, &c. has been lodged with Registrar.

XIII. ' And whereas by the said Act of the Seventh and Eighth Years of the present Reign Provision is made whereby ' no Bonds or Recognizances to the Crown to be thereafter ' entered into or passed shall affect Lands, Tenements, or Hereditaments as to Purchasers or Mortgagees or Creditors until ' duly registered according to the Directions of the said Act, ' but no similar Provision is made with respect to Obligations ' to the Crown previously existing: And whereas Bonds and ' Recognizances to the Crown passed or entered into at remote ' Periods, and filed as of Record in Her Majesty's Courts in ' Ireland,

Crown Bonds and Recognizances more than Twenty Years old not to affect Purchasers or Mortgagees, unless redocketed in the Office of Registrar of Judgments.

‘ *Ireland*, remain in full Force, and operate as Incumbrances on
 ‘ Land, notwithstanding that the Conditions upon which they
 ‘ were passed or entered into may have been long since satisfied
 ‘ and performed, and no Claim may exist on Foot thereof on
 ‘ the Part of the Crown, and it is expedient to extend the
 ‘ Principle of the aforesaid Provision to such Cases, and thereby
 ‘ further facilitate the Transfer of Landed Property:’ Be it
 therefore enacted, That from and after the First Day of *January*
 next no Bond or Recognizance to the Crown so filed as of
 Record in *Ireland* which shall be more than Twenty Years old
 from the Date thereof shall affect any Lands, Tenements, or
 Hereditaments as to Purchasers or Mortgagees or Creditors,
 unless and until a Memorandum or Minute, duly authenticated,
 containing the Name and usual or last known Place of Abode,
 and the Title, Trade, or Profession, of the Person whose Estate
 is intended to be affected, the Sum for which such Bonds or
 Recognizance was passed or entered into, and the Date of the
 same, shall be left with the Registrar of Judgments, who shall
 forthwith enter the same Particulars in a Book to be entitled
 “Redocketed Crown Bonds and Recognizances,” to be kept in
 alphabetical Order by the Name of the Person whose Estate is
 intended to be affected by such Bonds or Recognizances; and
 for every such Entry the said Registrar shall be entitled to the
 same Fee as is authorized by the said Act for each Entry in the
 Book intituled “The Index of Debtors and Accountants to the
 Crown;” and all Persons shall be at liberty to search the said
 Book, as well as the Books directed by the said Act to be kept
 by the said Registrar, on Payment of the Fee by the said Act
 authorized.

Power to Treas-
 ury to consoli-
 date Offices.

XIV. ‘ And whereas by the Operation of this Act the Duties
 ‘ of certain Offices may be diminished, and it will therefore be
 ‘ expedient, having regard to Economy, to discontinue them as
 ‘ separate Offices, and to provide for the Discharge of such
 ‘ Duties as may remain to be performed:’ Be it therefore enacted,
 That in such Cases the Commissioners of Her Majesty’s Treas-
 ury, or any Three of them for the Time being, shall have Power,
 if they shall think fit, by their Warrant, after the passing of this
 Act, to order that a Consolidation of any Office so affected shall
 take place with some existing Office of the Court to which it
 belongs; and any Order made as aforesaid for the Regulation
 of the Business of such Office shall be of as much Force as if it
 had been specifically enacted herein, and the Officer to whom
 the Duties as aforesaid shall be so transferred shall have as full
 Power and Jurisdiction for all official Purposes as were enjoyed
 or belonged to the Officer whose Duties shall be so transferred.

Act may be
 amended, &c.

XV. And be it enacted, That this Act may be amended or
 repealed by any Act to be passed in the present Session of
 Parliament.

SCHEDULE of FEES to which the foregoing Act refers.

For every attested Copy of a Search recorded pursuant to this Act in the Office of Registrar of Deeds on the Certificate or Attestation thereof, when such Copy shall not exceed Three Folios of 72 Words	s.	d.
	1	0
When such Copy shall exceed Three Folios, for every Folio	0	4
For every attested Copy of a Search recorded pursuant to this Act in the Office of Registrar of Judgments on the Certificate or Attestation thereof, when such Copy shall not exceed Three Folios of 72 Words	1	0
When such Copy shall exceed Three Folios, for every Folio	0	4
For every other Certificate directed or required by this Act, including a Duplicate thereof	1	0
For every Memorandum of Satisfaction of a Judgment, Crown Bond, or Recognizance, Decree, Rule, or Order, to be subscribed or annexed to the original Entry of Registry in the Office of Registrar of Judgments, pursuant to this Act, including the Endorsement thereof directed by this Act	2	6
For Liberty to search the Book or Books in the Office of Registrar of Deeds containing the recorded Copies of Negative Searches	1	0
For Liberty to search the Book or Books in the Office of Registrar of Judgments containing the recorded Copies of Negative Searches	1	0

C A P. CXXI.

An Act to alter the Laws and Regulations of Excise respecting the Survey of Dealers in and Retailers of Spirits, and respecting the Sale and Removal of Spirits by Permit from the Stock of such Traders; and respecting the Distribution of Penalties and Forfeitures recovered under the Laws of Excise.

[4th September 1848.]

‘ **W**HEREAS an Act was passed in the Sixth Year of the
‘ Reign of His late Majesty King George the Fourth,
‘ intituled *An Act to repeal the Duties payable in respect of* 6 G. 4. c. 80.
‘ *Spirits distilled in England, and of Licences for distilling, rec-*
‘ *tifying, or compounding such Spirits, and for the Sale of Spirits,*
‘ *and to impose other Duties in lieu thereof; and to provide other*
‘ *Regulations for the Collection of the said Duties, and for the*
‘ *Sale of Spirits, and for the warehousing of such Spirits, without*
‘ *Payment of Duty, for Exportation; in which Act are contained*
‘ several Enactments, Regulations, Provisions, Penalties, and
‘ Forfeitures respecting Dealers in and Retailers of Spirits, and
‘ the same are directed to extend and be applied to Scotland and
‘ Ireland

9 G. 4. c. 45.

So much of
recited Acts
as relate to
Dealers in and
Retailers of
Spirits, and all
other Acts re-
pugnant hereto,
repealed.

Act not to
affect former
Provisions
respecting
Licences or
Certificates or
Regulations of
Police respect-
ing Retailers of
Spirits, or the
Removal of
Spirits by Per-
mit from the
Distiller or
Rectifier, or
between the
Three Parts of
the United
Kingdom.

Ireland by an Act passed in the Ninth Year of the Reign of His said Majesty, intituled *An Act to amend and to make perpetual, and to extend to the whole of the United Kingdom, certain Provisions contained in several Acts for regulating the Rectification, compounding, dealing in, or retailing of Spirits, and for preventing private Distillation in Scotland; and to provide for the Payment of the Duty on Malt used in making of Spirits from Malt only*: And whereas it is expedient to repeal all such Enactments, Regulations, Provisions, Penalties, and Forfeitures, and to substitute other Regulations in lieu thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act all the Enactments, Regulations, Provisions, Penalties, and Forfeitures contained in the said Act of the Sixth Year of the Reign aforesaid which are in force in respect of or in relation to Dealers in and Retailers of Spirits, and which are directed to extend and be applied to, and to be established, observed, executed, and put in force in and throughout *Scotland* and *Ireland* respectively, and in and throughout the United Kingdom of *Great Britain* and *Ireland*, by the said Act of the Ninth Year of the Reign aforesaid, and all other Enactments, Regulations, Provisions, Penalties, and Forfeitures respecting Dealers in and Retailers of Spirits in any other Act or Acts of Parliament relating to the Revenue of Excise which are provided for by this Act, or which are repugnant to or inconsistent with any of the Provisions of this Act, shall be and the same are hereby repealed, save and except as to any Fine, Penalty, or Forfeiture incurred under the said Acts or any of them by any such Dealer in or Retailer of Spirits before the passing of this Act, which Fine, Penalty, and Forfeiture may be recovered, enforced, and applied in the same Manner, and by the same Ways, Means, Powers, and Authorities, as if this Act had not been passed.

II. Provided always, and be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to affect any Excise Licence required to be taken out by any Dealer in or Retailer of Spirits in any Part of the United Kingdom, or any Duties of Excise in such respect (except so far as the same are otherwise specially provided for by this Act), or the Enactments, Regulations, Provisions, Pains, Penalties, and Forfeitures in force in respect of any such Licence, or in respect of any Certificate, to keep a common Inn, Alehouse, or Victualling House, or any other Certificate, Notice, or Authority required to be produced before an Excise Licence can be obtained for the Sale of Spirits by Retail to be drunk or consumed in or upon the House or Premises where sold, or in respect of the Sale of Spirits, or the carrying on of the Business of a Retailer of Spirits, so far as the same is made subject to certain Laws, Regulations, and Provisions of Police, or the Enactments, Regulations, Provisions, Pains, Penalties, or Forfeitures

feitures under or by virtue of which any Dealer in or Retailer of Spirits is required not to receive or knowingly suffer to be received into his Stock, Custody, or Possession, or to suffer any Person for him, or for his Use, or on his Account, to receive, any Spirits without the same being accompanied by a true and lawful Permit, so far as relates to the receiving of Spirits by such Dealers or Retailers from the Stock, Custody, or Possession of the Distiller or Rectifier thereof, or from any other Person not being a licensed Dealer in or Retailer of Spirits sending out such Spirits with a true and lawful Certificate as after mentioned, or from a public Sale of Spirits condemned and sold under the Direction of the Commissioners of Excise or Customs, or the Enactments, Regulations, Provisions, Pains, Penalties, and Forfeitures under which Spirits made in *England, Scotland, and Ireland* respectively may be shipped or carried, conveyed or removed, from *England to Scotland or Ireland*, or from *Scotland to England or Ireland*, or from *Ireland to England or Scotland*; all which Enactments, Regulations, Provisions, Pains, Penalties, and Forfeitures shall be and remain in full Force and Effect to all Intents and Purposes.

III. And be it enacted, That every Dealer in or Retailer of Spirits shall make a true and particular Entry in Writing to be signed by such Dealer or Retailer, of every Building, Room, or other Place intended to be used by him in or for the keeping of Spirits, and of every Vessel or Utensil, and of all standing or fixed Casks used or intended to be used by him in or for the keeping of any Spirits; and every such Entry shall be made by delivering the same to the proper Officer of Excise; and every such Building, Room, Place, Vessel, Utensil, and Cask shall be distinguished by a particular Letter or Number, and shall be described in such Entry by a corresponding Letter or Number; and every such Building, Room, and Place shall be open to the Entry and Inspection of any Officer of Excise, as directed by an Act of the Seventh and Eighth Years of the Reign of His said Majesty, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout Great Britain and Ireland*, and by an Act of the Fourth and Fifth Years of the Reign of His late Majesty King *William the Fourth*, intituled *An Act to amend the Laws relating to the Collection and Management of the Revenue of Excise*; and every Dealer in and Retailer of Spirits shall be subject to the Pains, Penalties, and Forfeitures imposed by the said recited Acts, and by an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to alter and amend certain Laws relating to the Collection and Management of the Duties of Excise*, for every Default in observing any of the Particulars aforesaid; and the said Pains, Penalties, and Forfeitures, and all Enactments, Regulations, Provisions, Matters, and Things, in the said recited Acts, or any of them, so far as the same are applicable to this Act, shall be applied to the several Enactments, Regulations, Provisions, Matters, and Things contained

Entry to be
made of
Premises.

7 & 8 G. 4.
c. 53.

4 & 5 W. 4.
c. 51.

4 & 5 Vict.
c. 20.

‘ ARTICLES ADDITIONAL to the Treaty concluded on the
 ‘ Twenty-fourth Day of *May* One thousand eight hun-
 ‘ dred and forty-one between Her *Britannic* Majesty
 ‘ and the Republic of the *Equator* for the Suppression
 ‘ of Slave Trade.

‘ ARTICLE I.—It is agreed and understood, that if there
 ‘ should be any Delay in appointing the Judge and Arbi-
 ‘ trator to be nominated on the Part of the Republic of
 ‘ the *Equator* to act in each of the Mixed Courts of Justice
 ‘ to be established under this Treaty, or if those Officers,
 ‘ after being appointed, should at any Time be absent, then
 ‘ and in either of such Cases the Judge and Arbitrator who
 ‘ shall be appointed on the Part of Her *Britannic* Majesty,
 ‘ and who shall be present in the said Courts, shall, in the
 ‘ Absence of the *Equatorial* Judge and Arbitrator, proceed
 ‘ to open the said Courts, and to adjudge such Cases as may
 ‘ be brought before them under the Treaty; and the Sen-
 ‘ tence pronounced upon such Cases by the said *British*
 ‘ Judge and Arbitrator shall have the same Force and
 ‘ Validity as if the Judge and the Arbitrator on the Part of
 ‘ the Republic of the *Equator* had been present and acting
 ‘ with them.

‘ ARTICLE II.—It is also agreed, notwithstanding the
 ‘ Provisions of the First Article of the Annex B., that so
 ‘ long as no *Equatorial* Judge and Arbitrator shall have
 ‘ been nominated it will be unnecessary for the Republic of
 ‘ the *Equator* to nominate the Secretary or Registrar men-
 ‘ tioned in the said Article; that in the meanwhile the
 ‘ Secretary or Registrar of the Court which may exist
 ‘ within the Territory of the Republic of the *Equator* shall
 ‘ be named and paid by the Government of Her *Britannic*
 ‘ Majesty, and that the entire Expense of both the Courts
 ‘ to be established under this Treaty shall be borne by the
 ‘ Government of Her *Britannic* Majesty.

‘ The present additional Articles shall form an integral
 ‘ Part of the Treaty for the Abolition of the Slave Trade
 ‘ of the Republic of the *Equator* signed this Day, and shall
 ‘ have the same Force and Validity as if they were inserted
 ‘ Word for Word in that Treaty, and shall be ratified in the
 ‘ same Form and at the same Time.

‘ The Twenty-fourth Day of *May* One thousand eight
 ‘ hundred and forty-one.

‘ (L.S.) *Walter Cope.*

‘ FURTHER ADDITIONAL ARTICLE to the Treaty concluded
 ‘ on the Twenty-fourth Day of *May* One thousand
 ‘ eight hundred and forty-one between *Great Britain*
 ‘ and the Republic of the *Equator* for the Abolition of
 ‘ the Traffic in Slaves.

‘ Her Majesty the Queen of the United Kingdom of
 ‘ *Great Britain* and *Ireland*, and His Excellency the Presi-
 ‘ dent

‘ dent of the Republic of the *Equator*, having deemed it convenient and necessary to prorogue the Term stipulated in the Fourteenth Article of the Treaty concluded on the Twenty-fourth Day of *May* One thousand eight hundred and forty-one between *Great Britain* and the Republic of the *Equator*, for the Abolition of the Traffic in Slaves, have named and authorized as their Plenipotentiaries *ad hoc* ;

‘ (that is to say,)

‘ Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, *Walter Cope* Esquire, Her Majesty’s Consul in the *Equator* :

‘ And His Excellency the President of the Republic of the *Equator*, General *José Maria Urbina*, Minister of State in general :

‘ Who, after having exchanged their full Powers, found to be in good and due Form, have agreed upon the following :

‘ The Term stipulated for the Exchange of the Ratifications of the Treaty for the Abolition of the Traffic in Slaves, signed by the Plenipotentiaries of *Great Britain* and the *Equator* on the Twenty-fourth Day of *May* One thousand eight hundred and forty-one, is prorogued, and in virtue of that Prorogation it is agreed by the Two Contracting Parties that the said Treaty shall be ratified, and the Ratifications exchanged in *Quito*, within the Space of Two Years from the Date hereof, or sooner if possible.

‘ In witness whereof the respective Plenipotentiaries have signed this Agreement in Duplicate, and have sealed it with their respective Seals.

‘ Done in the City of *Cuença* on the Fifteenth Day of *January* in the Year of our Lord One thousand eight hundred and forty-six.

‘ (L.S.) *Walter Cope.*

‘ And whereas the said Treaty was ratified between Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the Republic of the *Equator*, and such Ratifications exchanged at *Quito* on the Fifth Day of *July* One thousand eight hundred and forty-seven : And whereas it is expedient and necessary that effectual Provision should be made for carrying into execution the Provisions of the said Treaty, and Annexes thereto, and additional Articles :’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any Officer commanding any Ship of War of Her Majesty or of the Republic of the *Equator* not below the Rank of Lieutenant of the Royal Navy (unless the Command shall by reason of Death or otherwise be held by an Officer of inferior Rank), or by the Officer who at the Time shall be Second in Command of the Ship, and who shall be duly

Ratifications of Treaty exchanged on the 5th July 1847.

Officers commanding Ships of Her Majesty, or of the Republic of the *Equator*, being duly authorized and empowered, to visit and

search Mer-
chant Ships.

duly instructed and authorized according to the Provisions of the said Treaty, to visit and search any Merchant Vessel of either of the said Two Nations, which shall upon reasonable Grounds be suspected of being engaged in the Traffic in Slaves or Negroes from *Africa*, in order to transport them to other Parts of the World for Sale, or any Vessel fitted out for that Purpose, or of having been engaged in such Traffic during the Voyage in which such Vessel is met, and to detain and send or carry away such Vessel, together with its Masters, Sailors, Passengers, Slaves, and Cargo, for the Purpose of such Vessel being brought to Adjudication before One of the Mixed Courts of Justice to be established in virtue of the Seventh Article of the said Treaty; and all such Commanders and other Officers in the Exercise of such Rights shall comply with the several Provisions and Instructions of the said Treaty which apply thereto respectively.

Ships suspected
of having been
fitted out for
the Purpose of
the said Traffic
in Slaves liable
to Search and
Detention.

II. And be it enacted, That all Ships and Vessels belonging wholly or in part to Her Majesty's Subjects which shall be suspected upon reasonable Grounds of being engaged in the said Traffic in Slaves, or of having been fitted out for that Purpose, or of having been engaged in such Traffic during the Voyage in which such Vessel is met, and all Boats, Apparel, and Cargoes therein, shall be subject to Search and Detention by *British* or *Equatorian* Vessels of War duly authorized for that Purpose according to the Stipulations of the said Treaty, and subject to Condemnation or other Judgment by the Judges and Arbitrators of the Mixed Courts to be appointed according to the Provisions of the said Treaty.

Her Majesty
may appoint
Judges and
Arbitrators to
decide Cases of
Detention.

III. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint such Judges and Arbitrators as are in and by the said Treaty mentioned to be appointed by Her Majesty, and from Time to Time to supply any Vacancies which may arise in such Offices by appointing other Persons thereto, and to grant Salaries to such Judges and Arbitrators as aforesaid, not exceeding such annual Sums as the Commissioners of Her Majesty's Treasury shall from Time to Time direct; and such Judges and Arbitrators shall be empowered to examine and decide all such Cases of Detention, Captures, and Seizures of Vessels and their Cargoes as aforesaid, detained, seized, or captured under the said Treaty, as are by the said Treaty and by this Act made subject to their Jurisdiction, and to proceed therein, and give such Judgments, and make such Orders therein, and do all other Things appertaining thereto, agreeably to the Provisions of the said Treaty, as fully as if special Powers for that Purpose were inserted in this Act.

Her Majesty
may appoint
a Secretary or
Registrar to the
Mixed Court.

IV. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint a Secretary or Registrar to each of the Mixed Courts which shall be established, and from Time

to Time to supply by other Appointments any Vacancy which may thereafter occur in such Office, and to grant a Salary to such Secretary or Registrar, not exceeding such annual Sum as the said Commissioners of Her Majesty's Treasury shall from Time to Time direct; and such Secretary or Registrar shall be empowered to perform all the Duties of such Office set forth by the said Treaty, and to do all such Things as may be necessary for the due Discharge of the Duties of his said Office.

V. And be it enacted, That in the Case of the Death, Sickness, Absence on Leave, or any other legal Impediment of any such *British* Judge of either of the said Courts established by virtue of the said Treaty, the *British* Arbitrator of such Court shall fill the Office of such Judge *ad interim* until the Office shall be thereafter filled by some Person appointed by Her Majesty, or until such Judge shall resume the Duties of his said Office; and that in case of such Vacancy of the Office of *British* Arbitrator of the Court established by virtue of the said Treaty in the Possessions of Her Majesty, or in case of the Death, Sickness, Absence on Leave, or other Impediment of the said Arbitrator of the said Court, the Office of such Arbitrator shall be filled *ad interim* successively by the Governor or Lieutenant Governor resident in such Possession, by the Principal Magistrate in the same, and by the Secretary of the Government, until the said Office shall be filled by some Person appointed by Her Majesty's Government, or until such Arbitrator shall resume the Duties of his said Office; and that in case of the Death, Sickness, Absence on Leave, or other legal Impediment of the *British* Arbitrator in the Court established by virtue of the said Treaty within the Possessions of the *Equatorian* Republic, or of his assuming *ad interim* the Duties of a Judge of the said Court as aforesaid, the Office of such *British* Arbitrator shall be filled *ad interim* successively by the *British* Consul and *British* Vice Consul resident in such Possession; and in case of such Vacancy of the Offices both of such *British* Judge and *British* Arbitrator, then that such Office of Judge shall be filled by the *British* Consul, and such Office of *British* Arbitrator by the *British* Vice Consul; and in case there shall be no *British* Consul or Vice Consul at such Place, then that it shall be lawful for the *Equatorian* Arbitrator to act in all those Cases in which a *British* Arbitrator, if there were any, would be required to act; and in case of such Vacancy in the Offices both of *British* Judge and *British* Arbitrator, and there should be neither a *British* Consul nor *British* Vice Consul resident at such Place, then that it shall be lawful for the *Equatorian* Judge and *Equatorian* Arbitrator of such Court to sit alone in such Court, and in all Cases brought before them for Adjudication to adjudge the same, and pass Sentence accordingly, until the said Offices shall respectively be thereafter filled by some Person or Persons appointed by Her Majesty, or until the said *British* Judge and *British* Arbitrator shall resume the Duties of their said Offices respectively.

In case of the Death or Incapacity from Illness of any *British* Judge of such Courts, or of the *British* Arbitrator.

may be lawful for the said Commissioners of Her Majesty's Treasury, or any Three of them, by Order under their Hands, from Time to Time to alter and vary the Fees specified in the said Schedule, and to substitute other Fees therefor.

Registrar of
Judgments,
upon Production
of Certificate of
Satisfaction of
Judgment, to
enter Memo-
randum thereof
upon Entry of
Registry.

7 & 8 Vict. c. 90.

3 & 4 Vict. c. 105.

X. ' And whereas by an Act made and passed in the Session
' of Parliament holden in the Seventh and Eighth Years of the
' Reign of Her present Majesty, intituled *An Act for the Protec-*
' *tion of Purchasers against Judgments, Crown Debts, Lis Pendens,*
' *and Commissions of Bankruptcy, and for providing One Office for*
' *the registering of all Judgments in Ireland, and for amending the*
' *Laws in Ireland respecting Bankrupts and the Limitation of*
' *Actions,* Provision was made for the Registry in the Office
' created by said Act, and called the "Judgment Office," of all
' Judgments of the Superior Courts of Common Law, and of
' Crown Bonds and Recognizances, and of all Decrees, Rules,
' and Orders which, under the Provisions of the Act made and
' passed in the Third and Fourth Years of the Reign of Her
' Majesty, intituled *An Act for abolishing Arrests on Mesne Process*
' *in Civil Actions, except in certain Cases, and for extending the*
' *Remedies of Creditors against the Property of Debtors, and for*
' *the further Amendment of the Law and better Advancement of*
' *Justice in Ireland,* had the Force and Effect of Judgments of
' the Superior Courts of Common Law, in order to make same
' binding as against Purchasers, Mortgagees, and Creditors, but
' no sufficient Provision was made by said recited Act for the
' Registry in said Office of the Satisfaction of Judgments, Crown
' Bonds or Recognizances, Decrees, Rules, or Orders registered
' therein: Be it therefore enacted, That the Registrar of Judg-
ments for the Time being shall, upon the Lodgment with him
of a Certificate of the Entry of Satisfaction upon the Roll of any
Judgment of any of the Superior Courts of Common Law which
may have been registered under said recited Act, or which may
appear upon the Books of Revivals and Redocketings which
under the Provisions of said recited Act were transferred to said
Registrar, signed by the proper Officer of such Superior Court
of Common Law, or upon the Lodgment with him of the Cer-
tificate of the cancelling or vacate of any Bond or Recognizance
to the Crown, signed by the proper Officer in that Behalf,
and which Certificate such Officers are hereby authorized and
required respectively to give, cause a Memorandum of such
Satisfaction, cancelling, or vacate to be subscribed to the Entry
of the Registry of such Judgment, or of the Revival or Redocket-
ing thereof, or of such Crown Bond or Recognizance, specify-
ing the Date at which such Satisfaction, cancelling, or vacate
appears by such Certificate to have been entered on Record, and
shall sign such Memorandum, and shall, if required, endorse
upon a Duplicate of such Certificate a Minute, stating that such
Memorandum has been entered as aforesaid; and upon every
Search made in the said Judgment Office subsequently to the
Entry of such Memorandum as aforesaid, whereon such Judg-
ment, Crown Bond or Recognizance shall appear, the Entry of
such Memorandum shall be stated.

XL And

this Act, shall be deemed guilty of Perjury, and being thereof convicted shall be subject and liable to all the Pains and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury either in the Place where the Offence was committed or in any Colony or Settlement of Her Majesty near thereto in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England*, and that in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench the Venue may be laid in the County of *Middlesex*.

IX. And be it enacted, That the Pendency of any Suit or Proceedings instituted before the said Judges or Arbitrators for the Condemnation or Restitution of any Ship or Cargo or Slaves taken, seized, or detained by virtue of the said Treaty, or the final Adjudication, Condemnation, or Judgment or Determination thereupon, may be pleaded in bar or given in Evidence under the General Issue, and shall be deemed in any Court whatever to be a complete Bar in any Action, Suit, or Proceeding, whether instituted by any Person or Persons for the Recovery of any such Ship, Vessel, or Cargo, or of any Damage or for any Injury sustained thereby, or by the Persons on board the same, in consequence of any Capture, Seizure, or Detention, or anything done in pursuance of the Provisions of the said Treaty.

Pendency of Suits before the Judges to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained.

X. And be it declared and enacted, That if any of the Particulars specified in the Ninth Article of the said Treaty shall be found in the Outfit and Equipment of or on board any such Merchant Vessel engaged or to be engaged in such Traffic, and visited and detained in pursuance of the said Treaty, such Vessel, unless Proof be given to the contrary, shall be taken to have been engaged in the said Traffic, or to have been fitted out for the Purposes of such Traffic, and to be equipped and employed for the Purposes declared unlawful.

Vessels equipped for Traffic in Slaves to be deemed engaged in the Slave Trade.

XI. And be it enacted, That any Ship or Vessel which shall be condemned under any such Authority as aforesaid may be taken into Her Majesty's Service upon Payment of such Sum as the Lord High Admiral or the Lords Commissioners of the Admiralty shall deem a proper Price for the same, or, if not so taken, shall be broken up and demolished, and the Materials thereof shall be publicly sold in separate Parts, together with the Goods, Wares, and Merchandize laden therein, for the Profit of the Two Governments of *Great Britain* and the Republic of the *Equator*, and the Proceeds thereof shall be paid to such Person or Persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

Vessels condemned to be sold for Her Majesty's Service or broken up.

XII. And be it enacted, That where any Ship or Vessel employed or engaged in illicit Traffic in Slaves, in violation of the said Treaty, shall be seized by any Ship or Vessel belonging to Her Majesty duly authorized to make such Seizure under the Provisions of the said Treaty or Articles, and shall be afterwards condemned by any of the Commissioners appointed in virtue

Captors of Vessels shall, after the same are condemned, be entitled to the Portion of the Proceeds belonging to Her Majesty.

of the Treaty or Articles aforesaid, there shall be paid to the Captors the Portion to which Her Majesty is entitled, such Portion to be distributed in the Manner herein-after directed for the Distribution of Bounties on Slaves taken on board the said Vessels.

Bounty for
Slaves captured.

XIII. And be it enacted, That there shall be paid to the Commanders, Officers, and Crew of Her Majesty's Ships authorized to make Seizures under the said Treaty a Bounty of Five Pounds for every Man, Woman, and Child Slave seized and found on board a *British* or *Equatorian* Ship or Vessel taken and condemned in pursuance of the Provisions of the said Treaty and of this Act, such Bounty to be distributed to and amongst the Captors aforesaid in such Manner and Proportions as Her Majesty shall think fit to order by any Order in Council or by any Proclamation to be made for that Purpose.

Bounty on Ton-
nage of Slave
Ships captured
and demolished.

XIV. And be it enacted, That where any Ship or Vessel which shall have been seized and condemned under the Provisions of the said Treaty shall have been or shall be demolished, and the Materials thereof publicly sold in separate Parts, as well as her Cargo, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizures, and in addition to the Amount which may be payable in respect of Her Majesty's Portion of the Proceeds of such Sale as herein-before mentioned, a further Bounty on the Tonnage of such Ship or Vessel at the Rate of Thirty Shillings for every Ton of such Tonnage.

Where no Slaves
are on board a
Ship seized, an
additional
Bounty to be
paid.

XV. And be it enacted, That where any Ship or Vessel having no Slaves on board shall have been seized and condemned under the Provisions of the said Treaty there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizure an additional Bounty upon the Tonnage of such Ship or Vessel, at the Rate of Four Pounds for every Ton; and the Tonnage of all such Vessels shall be ascertained according to the Mode of ascertaining the Admeasurement of *British* Vessels, either by the principal Officer of the Customs at the Port where the Vessel may be at the Time of Condemnation, or in default thereof by the best Evidence which can be obtained, to be certified by the Commissioners by whom such Condemnation shall be pronounced: Provided always, that in every Case in which any Ship or Vessel shall be seized with Slaves on board, in which the Bounty calculated upon the Number of Slaves shall be less than the Bounty calculated upon the Tonnage, the Commanders of Her Majesty's Ships making the Seizure may elect to take the Bounty calculated according to Tonnage, instead of the Bounty which would be payable upon the Number of Slaves on board.

Bounties to be
paid out of Con-
solidated Fund.

XVI. And be it enacted, That all Bounties payable under this Act shall be payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make such Seizures under the Provisions of any such
Treaties

Treaties or Conventions, and such Bounties shall be issued and paid by Order from the Commissioners of Her Majesty's Treasury.

XVII. And be it enacted, That the said Bounty, as also all Bounties payable under any of the Acts for the Abolition or Suppression of the Slave Trade, shall not hereafter be charged with Treasury Fees or Exchequer Fees of any Description.

Bounties not liable to Payment of Fees.

XVIII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Tonnage of the Ship or Vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy duly certified, of the Sentence or Decree of Condemnation, or by such documentary or other Evidence as they may deem satisfactory.

Proof of Tonnage.

XIX. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, military or civil, who may be appointed to receive such Slaves.

Copy of Sentence of Condemnation to be produced to the Commissioners of the Treasury.

XX. And be it enacted, That where any Slaves or Persons treated as Slaves shall be seized on board any *British* or *Equatorial* Ship or Vessel taken and condemned in pursuance of the Provisions of the said Treaty and of this Act, but who shall not have been delivered over in consequence of Death, Sickiness, or other inevitable Circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct the Payment of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over.

One Moiety of the Bounty only to be paid in certain Cases.

XXI. Provided also, and be it enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any *British* or *Equatorial* Vessel confiscated in pursuance of the Provisions of the aforesaid Treaty, may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf; and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act.

Parties claiming Benefit under this Act may resort to the Court of Admiralty.

XXII. And be it enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize and the Per-centage due thereon to *Greenwich* Hospital, shall be extended to all Bounties and Proceeds to be distributed under the Provisions of this Act to the

Regulations and Penalties respecting Prize Agents Accounts extended to Bounties and Proceeds under this Act.

Officers and Crews of any of Her Majesty's Ships and Vessels of War.

Commissioners of the Treasury may order Payment of Costs awarded for Vessels of Her Majesty detained, but not condemned.

XXIII. And be it enacted, That where any Ship or Vessel belonging in whole or in part to Subjects of the Republic of the *Equator* shall have been detained and brought to Adjudication by any Officers of Her Majesty the Queen of *Great Britain and Ireland*, and the said Ship shall be restored by Sentence of the Court, as is mentioned in the Fifth Article of the Annex B. to the said Treaty, it shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* of any Costs or Damages which may be duly awarded according to the Provisions of the said last-mentioned Article: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made when lawfully called upon by Order of the said Commissioners of Her Majesty's Treasury.

Treasury may repay to the Seizor of any Vessel not condemned the Expenses incurred by him.

XXIV. And be it enacted, That when any Seizure shall be made by any of the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make such Seizures under the aforesaid Treaty, and Judgment shall be given against the Seizor, or when such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* of such Costs and Expenses as the Seizor may have incurred in respect of such Seizure, or any proportional Part thereof.

CAP. CXVII.

An Act for rendering certain Newspapers published in the *Channel Islands* and the *Isle of Man* liable to Postage. [4th September 1848.]

Newspapers from the Channel Islands or from the Isle of Man to be liable to the Payment of Rates or Duties of Postage.

‘ WHEREAS it is expedient to render certain Newspapers published in the *Channel Islands* and the *Isle of Man* liable to Postage:’ Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Postmaster General, with the Consent of the Commissioners of Her Majesty's Treasury (signified under the Hands of the said Commissioners, or any Three of them, or under the Hand of One of their Secretaries or Assistant Secretaries), may from Time to Time, and at all Times hereafter, charge any Newspapers printed or published in any of the Islands of *Guernsey, Jersey, Alderney, Sark, and Man*, and sent by the Post between any of such Islands and *Great Britain or Ireland*, or sent by the Post in *Great Britain or Ireland*, with such Rates or Duties of Postage

Postage as the Postmaster General, with such Consent as aforesaid, shall think fit, but not exceeding the Rates or Duties to which such Newspapers would be liable if they were Letters sent by the Post; and the Postmaster General may from Time to Time, with such Consent as aforesaid, alter or repeal any such Rates or Duties of Postage, and charge any such Newspapers with any other Rates or Duties of Postage, not exceeding the Rates to which such Newspapers would be liable if they were Letters (or may exempt any such Newspapers from all Duties of Postage), in lieu thereof, and the Rates or Duties of Postage from Time to Time to become chargeable under or by virtue of this Act shall be paid accordingly; and the Monies paid to or received by the Post Office for such Rates or Duties shall form Part of the Revenue of the Post Office.

II. And be it enacted, That this Act shall be deemed and taken to be a Post Office Act, and that the several Terms and Expressions used in this Act shall be construed according to the respective Interpretations of the Terms and Expressions contained in an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of the Duties of Postage*, so far as those Interpretations are not repugnant to the Subject, or inconsistent with the Context of such Terms and Expressions.

Act to be deemed a Post Office Act, and Terms to be construed as directed by 3 & 4 Vict. c. 96.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

Act may be amended, &c.

CAP. CXVIII.

An Act to explain and amend the Law as to the Licence required for the letting of Post Horses to Hire in *Ireland*, and the Law respecting Proceedings for Duties and Penalties under the Post Horse, Stage, and Hackney Carriage Acts in the United Kingdom.
[4th September 1848.]

‘ WHEREAS by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third intituled *An Act, to grant certain Duties of Excise upon Licences for the Sale of Spirituous and other Liquors by Retail, and upon Licences to Persons dealing in exciseable Commodities, in Ireland, in lieu of the Stamp Duties payable upon such Licences, and to secure the Payment of such Excise Duties, and to regulate the issuing of such Licences, and to discourage the immoderate Use of Spirituous Liquors in Ireland*, and by the Schedule to that Act annexed, a certain Duty is granted and made payable upon and in respect of Licences to Persons to let to Hire any Horse for the Purpose of travelling Post by the Mile or from Stage to Stage in *Ireland*; and by an Act of the Seventh and Eighth Years of the Reign of Her Majesty Queen Victoria, intituled *An Act to transfer the Collection of the Duty on Licences to let Horses for Hire in Ireland from the Commissioners of Stamps to*

55 G. 3. c. 19.

7 & 8 Vict. c. 67.

Fixed Casks
used by Dealers
or Retailers of
Spirits in Stock
to have the
Contents
painted, cut,
or branded
thereon, under
the Penalty of
50*l*.

Dealers and
Retailers to
mark the true
Strength and
Quantity of
compounded
Spirits on the
Casks.

True Content
to be cut,
branded, or
painted on
movable Casks,
under pain of
Forfeiture.

Penalty on
Retailer not
licensed as a

tained in this Act as fully and effectually as if the same had been repeated and re-enacted in this Act.

IV. And for enabling the Officers of Excise the more readily to take account of Dealers and Retailers Stocks of Spirits as in this Act after mentioned, be it enacted, That upon every standing or fixed Cask used by any Dealer in or Retailer of Spirits for holding or keeping any Spirits in stock, its full Measure in Gallons, or the Quantity of Liquor it is capable of containing, shall be legibly painted, cut, or branded on some conspicuous Part thereof, upon pain that the Dealer or Retailer in whose Custody or Possession any Cask so used is found, not having such full Measure thereof painted, cut, or branded thereon as aforesaid, shall forfeit and lose the Sum of Fifty Pounds for every such Default as aforesaid.

V. And be it enacted, That in all Cases where the Strength of any Part of the Stock of Spirits of any Dealer in or Retailer of Spirits, by being mixed or compounded with any Sugar, Syrup, Seeds, Fruit, or any other Ingredients or Materials, cannot be ascertained by *Sykes'* Hydrometer, every such Dealer or Retailer shall, immediately on being required so to do by any Officer of Excise, cause the true Quantity and Degree of Strength of such Spirits to be legibly marked on the Outside of the Cask or Casks, or Vessel or Vessels containing the same respectively; and if the Quantity and Strength of any such Spirits is found to be untruly marked as aforesaid, or if any such Dealer or Retailer, upon being required by any Officer of Excise, refuses or neglects immediately to mark the Quantity and Strength of such Spirits as aforesaid, all such Spirits, Syrup, Seeds, Fruit, and other Ingredients, together with the Casks and Vessels containing the same, shall be forfeited, and every such Dealer or Retailer shall for every such Offence incur the Penalty of Fifty Pounds: Provided always, that no such Penalty or Forfeiture shall be incurred by any Dealer or Retailer who marks on any such Cask of Compounds as the Strength of the Spirits therein contained the Strength expressed in the Permit or Certificate with which the same were received by such Dealer or Retailer into his Stock, no Alteration having been since made therein.

VI. And be it enacted, That every Dealer in or Retailer of Spirits shall cause to be legibly cut, branded, or painted on the Outside of both of the Heads or Ends of each rolling or movable Cask used by him for keeping or delivering out Spirits, and shall at all Times keep thereon so cut, branded, or painted, the full and true Number of Gallons which every such Cask is capable of containing; and every such Cask which is found containing Spirits without the full and true Number of Gallons which the same is capable of containing being so cut, branded, or painted thereon, together with the Spirits contained therein, shall be forfeited.

VII. And be it enacted, That every Retailer of Spirits, not being entered and licensed also as a Dealer in Spirits, who sells,
sends

Sixth Years of the Reign of Her Majesty, intituled *An Act to repeal the Duties payable on Stage Carriages and on Passengers conveyed upon Railways, and certain other Stamp Duties in Great Britain, and to grant other Duties in lieu thereof, and also to amend the Laws relating to the Stamp Duties*, and all Duties imposed for and in respect of Licences to keep, use, and let to Hire Hackney Carriages within the Distance of Five Miles from the General Post Office in the City of London, by an Act of the First and Second Years of the Reign of His said Majesty King William the Fourth, intituled *An Act to amend the Laws relating to Hackney Carriages, and to Waggon, Carts, and Drays used in the Metropolis, and to place the Collection of the Duties on Hackney Carriages and on Hawkers and Pedlars in England under the Commissioners of Stamps*, all which several Duties are declared by Law to be Duties of Excise, and placed under the Collection and Management of the Commissioners of Excise, and all Penalties, Fines, and Forfeitures imposed by the said recited Acts or any of them, or by any other Act or Acts of Parliament relating to the several Duties or any of them, may, by Order of the Commissioners of Excise, be collected, sued for, recovered, levied, mitigated, paid, and applied as by the said recited Acts or any of them, or by any of the Acts aforesaid, is directed, or by the same Ways, Means, and Methods, and in like Manner, and under the same general or special Powers, Provisions, Regulations, and Directions as to Appeal, and in all other respects, as any other Duties of Excise, or any Fines, Penalties, or Forfeitures in such respect are directed to be collected, sued for, recovered, levied, mitigated, paid, and applied under an Act of Parliament of the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout Great Britain and Ireland*, as amended by another Act of the Fourth and Fifth Years of the Reign of His said Majesty King William the Fourth, intituled *An Act to amend the Laws relating to the Collection and Management of the Revenue of Excise*, (except so far as the same is afterwards repealed by this Act,) and as amended by any other Act or Acts relating to the Collection and Management of the Duties of Excise, anything in any Act or Acts of Parliament transferring the Collection and Management of the Duties before specified to the Commissioners of Excise to the contrary thereof notwithstanding.

III. ‘ And whereas by the said Act of the Fourth and Fifth Years of the Reign of His said Majesty King William the Fourth it is, amongst other things, enacted, “ that every Information for the Recovery of any Penalty, or for the Contemnation of any Seizure, shall be exhibited before the Commissioners of Excise or Justice or Justices of the Peace respectively within Four Calendar Months next after the Offence or Offences alleged in such Information shall have been committed, or the Goods, Commodities, Chattels, or Things therein alleged to have been forfeited shall have been

So much of
4 & 5 W. 4. c. 51.
as is herein re-
cited repealed.

After passing of this Act every Information for Recovery of Penalties, &c. may be brought before the Commissioners of Excise or Justices within Six Months from Commission of Offences.

‘ “ seized :” And whereas there is no such Limitation of Time
 ‘ to the like Proceedings before Justices directed by the said
 ‘ Act of the Second and Third Years of the Reign of His said
 ‘ Majesty King *William* the Fourth :’ Be it enacted, That so
 much of the said Act of the Fourth and Fifth Years of the Reign
 of His said Majesty King *William* the Fourth as is herein-before
 recited shall be and the same is hereby repealed ; and that from
 and after the passing of this Act every Information exhibited by
 Order of the Commissioners of Excise for the Recovery of any
 Penalty imposed, or for the Condemnation of any Seizure made
 as forfeited under or by virtue of any Act or Acts relating to
 any Duties under the Collection and Management of the Com-
 missioners of Excise or of the Commissioners of Customs, may
 be exhibited before the Commissioners of Excise or Justice
 or Justices of the Peace respectively at any Time within Six
 Calendar Months after the Offence or Offences alleged in such
 Information have been committed, or the Goods, Commodities,
 Chattels, or Things therein alleged to have been forfeited have
 been seized, and all such Proceedings shall be afterwards had
 thereupon as by Law directed, anything in any other Act or
 Acts of Parliament to the contrary thereof notwithstanding.

CAP. CXIX.

An Act to simplify the Forms of Certificates under
 the Act authorizing the Advance of Money for the
 Improvement of Land by Drainage in *Great Britain*.
 [4th September 1848.]

9 & 10 Vict.
 c. 101.

10 & 11 Vict.
 c. 11.

Lands in Second
 and subsequent
 Certificates may
 be specified by
 Reference to
 the First.

‘ **W**HEREAS an Act was passed in the Session of Parliament
 ‘ holden in the Ninth and Tenth Years of Her present
 ‘ Majesty, intituled *An Act to authorize the Advance of Public*
 ‘ *Money to a limited Amount to promote the Improvement of Land*
 ‘ *in Great Britain and Ireland by Works of Drainage*, and the
 ‘ said Act was explained and amended by an Act of the last
 ‘ Session of Parliament : And whereas Doubts have been enter-
 ‘ tained whether, in Cases where more than One Certificate for
 ‘ an Advance is issued in respect of the same Provisional Cer-
 ‘ tificate under the said Acts, the Specifications of the Lands
 ‘ should not be repeated in full in every such Certificate ; it is
 ‘ expedient that the Provisions of the said Acts as to such Cer-
 ‘ tificates of Advance should be amended and explained as here-
 ‘ after mentioned :’ Be it enacted and declared, therefore, by
 the Queen’s most Excellent Majesty, by and with the Advice
 and Consent of the Lords Spiritual and Temporal, and Com-
 mons, in this present Parliament assembled, and by the Autho-
 rity of the same, That where more than One Certificate for an
 Advance under the said Acts or either of them shall be issued
 in respect of the Works referred to in the same Provisional
 Certificate, it shall not be necessary in the Second or any sub-
 sequent Certificate for an Advance in respect of such Works to
 specify

specify the Land in respect of which such Advance is to be made, except by way of Reference to the Specification in the First Certificate of Advance as herein-after mentioned, but it shall be sufficient that such Second and every subsequent Certificate shall certify that the Land to be charged in respect of the Advance under such Certificate is the Land which is specified in the First Certificate of Advance in respect of the Works referred to in the same Provisional Certificate, and shall state the Date of such First Certificate, and the Sum which the Commissioners shall have therein certified should be issued.

II. And be it enacted, That it shall be lawful for the Commissioners, where they shall think fit, with the Approval of the Commissioners of Her Majesty's Treasury, notified by One of their Secretaries by any Memorandum in Writing under the Seal of the Commissioners, to cancel any Certificate for an Advance under the said Acts upon which no Advance shall have been actually made, and thereupon such Certificate shall be wholly void; and it shall be lawful for the Commissioners to proceed as if no such Certificate had been made or issued.

Commissioners, with Approval of Treasury, may cancel Certificates, &c.

III. Provided always, and be it enacted, That where any such Certificate which shall have been so cancelled as aforesaid shall have been registered in the General or Particular Register of Sasines in *Scotland*, the said Commissioners shall and may deliver to the Owner of the Lands or the Party to whom such Certificate so cancelled as aforesaid was granted, or other Party interested, a Duplicate of the said Memorandum of such Cancellation, and such Owner or Party shall cause the said Memorandum to be duly registered in the General or Particular Register of Sasines in which such cancelled Certificate was registered, and the Keeper of such Register is hereby authorized and required to register the same accordingly, and to grant an Indorsement on the said Memorandum, certifying that the same has been duly registered.

Where cancelled Certificate shall have been registered in Scotland, Commissioners to deliver a Memorandum of Cancellation, which shall be registered, &c.

IV. And be it enacted, That this Act and the said recited Act shall be construed together as One Act.

This Act and recited Act to be One

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

CAP. CXX.

An Act to facilitate the Transfer of Landed Property in *Ireland*.
[4th September 1848.]

‘ WHEREAS it is expedient to afford further Facilities for the Transfer of Landed Property in *Ireland*, by diminishing the Expense of Registry Searches, and otherwise as herein-after mentioned:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Registrar of

Registrar of Deeds, &c., previous to giving

out any Negative Search, to cause a Copy to be recorded in Registry Office.

Books containing Copies of Negative Searches to be numbered, and Number and Page of Book to be endorsed on original Search.

Indexes to be provided for the Books containing Copies of Negative Searches.

Power to search Books on Payment of Fee.

Attested Copies of recorded Searches to be given by Registrar, &c. upon Payment of Fee.

Deeds and the Registrar of Judgments in *Ireland* for the Time being shall and they are hereby required, previous to giving out of said Office any Negative Search, to cause a Copy of such Negative Search to be entered on Parchment in Books to be provided for the Purpose, and to be kept in their Offices respectively among the Records thereof.

II. And be it enacted, That every Book wherein any such Copy of a Negative Search and Certificate as aforesaid shall be entered shall be numbered or otherwise distinguished in some appropriate and convenient Manner, and the Pages of each such Book shall be numbered consecutively, and the Number or other distinctive Mark of every such Book, and the Number or Numbers of the Page or Pages thereof, wherein any such Negative Search and Certificate shall be copied, shall be specified at Foot of the Certificate, signed by the Registrar or Assistant Registrar in manner following; (that is to say,) "Copied in Book, No. Page Number."

III. And be it enacted, That the said Registrars for the Time being shall and they are hereby required respectively to cause a sufficient Index or sufficient Indexes to be prepared, in such Form as the Commissioners of Her Majesty's Treasury for the Time being, or any Three of them, shall from Time to Time direct, to the Books containing the Copies of Searches made pursuant to this Act; and in such Indexes shall be entered, in some convenient Manner for Reference, the Name or Names of some One or more of the Persons whose Acts such Negative Search shall relate to; and that the said Registrar of Deeds shall also cause to be prepared another sufficient Index or other sufficient Indexes to the said Books, containing the said Copies of the said Negative Searches, in such Form as the said Commissioners of Her Majesty's Treasury for the Time being, or any Three of them, shall from Time to Time direct, wherein shall be entered, in some convenient Form for Reference, the Name or Names of some One or more of the Denominations of Land mentioned in the Requisition for such Negative Search; and all Persons shall be at liberty to search the said Books on Payment of the Fee mentioned in the Schedule hereunto annexed.

IV. And be it enacted, That every Person requiring the same shall be entitled to an attested Copy of any Search so recorded as aforesaid, or any Portion thereof, upon Payment of the Fees mentioned in the Schedule hereunto annexed; and the Registrar or Assistant Registrar of Deeds and Registrar of Judgments in *Ireland* for the Time being, upon being furnished with a specific Requisition, shall cause to be delivered to the Person making such Requisition an attested Copy of every such recorded Negative Search, or the Portion thereof in such Requisition mentioned; and all the Penalties and Liabilities to which such Registrars and Assistant Registrars are liable in respect of Fraud, Collusion, or Neglect in making the original Searches and Certificates shall extend to the attested Copies to be given under this Act.

V. And be it enacted, That every such attested Copy of every such recorded Negative Search and Certificate, so signed as aforesaid, shall have the same Force and Effect, and shall be accepted and received in the same Manner and for the same Purposes, as an original Negative Search or Certificate to the same Extent and in the same Terms.

Such Copy to be equivalent to a new Search to the same Extent.

VI. And be it enacted, That the Fees payable to the said Registrar of Deeds and Registrar of Judgments under this Act shall be deemed and taken to be Part of the Fees payable to them under the Acts for the Regulation of their respective Offices, and shall be applied and accounted for according to the Provisions of said Acts.

Fees to be accounted for as under Act for regulating Registry Office.

VII. And whereas by the said Act of the Second and Third Years of His late Majesty King *William* the Fourth, intituled *An Act for regulating the Office for registering Deeds, Conveyances, and Wills in Ireland*, it was provided that alphabetical Indexes of the Names of the Persons and of the Lands affected by the Memorials registered in said Office should be made and kept in the Manner and according to the Form particularly specified in said Act: And whereas the making of Searches in said Office may be facilitated by Alterations in the Form of such Indexes: Be it therefore enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury, or any Three of them for the Time being, by an Order under their Hands, from Time to Time to make any Alterations in the Forms of the Indexes of Names and Lands directed by said recited Act to be made, and to order that a sufficient Index or Indexes shall be prepared to the several Books in the Office of the said Registrar of Judgments; and from the Time of making any such Order, or from any Time to be specified therein, the said Indexes shall be made and kept in such Manner and Form as the said Commissioners of Her Majesty's Treasury, or any Three of them, shall in such Order specify and direct; and it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, or any Three of them, in like Manner to vary or rescind any such Order as aforesaid.

Power to Treasury to alter the Forms of Indexes of Names and Lands directed by 2 & 3 W. 4. c. 87.

VIII. And be it enacted, That it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, or any Three of them, from Time to Time to order and direct that any Expense which may appear to them to be requisite for or to be necessarily and properly incurred in carrying the Purposes of this Act into effect shall be defrayed out of the Balances on the Accounts of the said Registrars in respect of the said Register Offices, or in such other Manner as the said Commissioners shall think fit to direct.

Power to Treasury to direct Expenses consequent upon this Act to be defrayed out of Balances in Registrar's Hands.

IX. And be it enacted, That for and in respect of the Entries, Endorsements, Certificates, and other Matters or Acts hereby directed or required to be performed, the Officers discharging said Duties shall respectively be entitled to demand and receive the several Fees specified in the Schedule to this Act annexed, which Schedule, and all Directions therein contained, shall be deemed and taken to be Part of this Act; and that it shall and may

Power to demand Fees as specified in the Schedule to this Act.

may be lawful for the said Commissioners of Her Majesty's Treasury, or any Three of them, by Order under their Hands, from Time to Time to alter and vary the Fees specified in the said Schedule, and to substitute other Fees therefor.

Registrar of
Judgments,
upon Production
of Certificate of
Satisfaction of
Judgment, to
enter Memo-
randum thereof
upon Entry of
Registry.
7 & 8 Vict. c. 90.

3 & 4 Vict. c. 105.

X. ' And whereas by an Act made and passed in the Session
' of Parliament holden in the Seventh and Eighth Years of the
' Reign of Her present Majesty, intituled *An Act for the Protec-*
' *tion of Purchasers against Judgments, Crown Debts, Lis Pendens,*
' *and Commissions of Bankruptcy, and for providing One Office for*
' *the registering of all Judgments in Ireland, and for amending the*
' *Laws in Ireland respecting Bankrupts and the Limitation of*
' *Actions,* Provision was made for the Registry in the Office
' created by said Act, and called the "Judgment Office," of all
' Judgments of the Superior Courts of Common Law, and of
' Crown Bonds and Recognizances, and of all Decrees, Rules,
' and Orders which, under the Provisions of the Act made and
' passed in the Third and Fourth Years of the Reign of Her
' Majesty, intituled *An Act for abolishing Arrests on Mesne Process*
' *in Civil Actions, except in certain Cases, and for extending the*
' *Remedies of Creditors against the Property of Debtors, and for*
' *the further Amendment of the Law and better Advancement of*
' *Justice in Ireland,* had the Force and Effect of Judgments of
' the Superior Courts of Common Law, in order to make same
' binding as against Purchasers, Mortgagees, and Creditors, but
' no sufficient Provision was made by said recited Act for the
' Registry in said Office of the Satisfaction of Judgments, Crown
' Bonds or Recognizances, Decrees, Rules, or Orders registered
' therein: Be it therefore enacted, That the Registrar of Judg-
ments for the Time being shall, upon the Lodgment with him
of a Certificate of the Entry of Satisfaction upon the Roll of any
Judgment of any of the Superior Courts of Common Law which
may have been registered under said recited Act, or which may
appear upon the Books of Revivals and Redocketings which
under the Provisions of said recited Act were transferred to said
Registrar, signed by the proper Officer of such Superior Court
of Common Law, or upon the Lodgment with him of the Cer-
tificate of the cancelling or vacate of any Bond or Recognizance
to the Crown, signed by the proper Officer in that Behalf,
and which Certificate such Officers are hereby authorized and
required respectively to give, cause a Memorandum of such
Satisfaction, cancelling, or vacate to be subscribed to the Entry
of the Registry of such Judgment, or of the Revival or Redocket-
ing thereof, or of such Crown Bond or Recognizance, specify-
ing the Date at which such Satisfaction, cancelling, or vacate
appears by such Certificate to have been entered on Record, and
shall sign such Memorandum, and shall, if required, endorse
upon a Duplicate of such Certificate a Minute, stating that such
Memorandum has been entered as aforesaid; and upon every
Search made in the said Judgment Office subsequently to the
Entry of such Memorandum as aforesaid, whereon such Judg-
ment, Crown Bond or Recognizance shall appear, the Entry of
such Memorandum shall be stated.

XI. And be it enacted, That from and after the passing of this Act every Court, Judge, Commissioner, or other Person by whom any Decree, Rule, or Order has been or shall be pronounced or made, which, under the said Act of the Third and Fourth Years of the Reign of Her Majesty, has the Force and Effect of a Judgment, upon its being made to appear to them or him that such Decree, Rule, or Order has been fully performed; complied with, or satisfied, shall direct the proper Officer to give a Certificate thereof, and record the same in his Office; and in case said Decree, Rule, or Order shall have been or shall be registered under the Provisions of the said Act of the Third and Fourth Years of the Reign of Her Majesty, or under the Provisions of the said recited Act of the Seventh and Eighth Years of the Reign of Her Majesty, the Registrar of Judgments shall, upon the Lodgment with him of such Certificate, cause a Memorandum thereof to be annexed or subscribed to the Entry of the Registry of such Decree, Rule, or Order, specifying therein the Date of such Certificate, and shall sign such Memorandum, and shall, if required, cause a Minute of the Entry of such Memorandum to be endorsed upon a Duplicate of such Certificate; and in every Search made in said Judgment Office after the Entry of such Memorandum, whereon such Decree, Rule, or Order shall appear, the Entry of such Memorandum of Satisfaction shall also be stated.

Court, &c. by whom Decree has been pronounced shall direct Officer to give Certificate thereof, and record same.

In case Decree has been registered under 3 & 4 Vict. c. 105., or under 7 & 8 Vict. c. 90., a Memorandum to be annexed to the Entry of Registry.

XII. And be it enacted, That from and after the passing of this Act no Judgment, Crown Bond or Recognizance, Rule, Decree, Order, or Lis Pendens, shall be registered by the said Registrar of Judgments, pursuant to the Provisions of the said Act of the Seventh and Eighth Years of the present Reign, unless and until there shall be subscribed to the Memorandum or Minute by said Act required to be left with said Registrar a Certificate of the Existence of the Judgment, Crown Bond or Recognizance, Rule, Decree, Order, or Lis Pendens, described in said Memorandum or Minute, such Certificate to be signed by the proper Officer of the Court in which such Judgment, Crown Bond or Recognizance, Rule, Decree, Order, or Lis Pendens shall have been entered or obtained; and that the said Registrar of Judgments, upon the Lodgment with him of any such Memorandum or Minute, shall, if required, endorse upon a Duplicate thereof a Certificate of the Lodgment and Entry thereof, for which Certificate no Fee shall be paid to him beyond the Fee authorized by the said Act for such Entry.

No Judgment, &c. to be registered until Certificate of the Existence of such Judgment, &c. has been lodged with Registrar.

XIII. And whereas by the said Act of the Seventh and Eighth Years of the present Reign Provision is made whereby no Bonds or Recognizances to the Crown to be thereafter entered into or passed shall affect Lands, Tenements, or Hereditaments as to Purchasers or Mortgagees or Creditors until duly registered according to the Directions of the said Act, but no similar Provision is made with respect to Obligations to the Crown previously existing: And whereas Bonds and Recognizances to the Crown passed or entered into at remote Periods, and filed as of Record in Her Majesty's Courts in

Crown Bonds and Recognizances more than Twenty Years old not to affect Purchasers or Mortgagees, unless redocketed in the Office of Registrar of Judgments.

Ireland,

‘ *Ireland*, remain in full Force, and operate as Incumbrances on
 ‘ Land, notwithstanding that the Conditions upon which they
 ‘ were passed or entered into may have been long since satisfied
 ‘ and performed, and no Claim may exist on Foot thereof on
 ‘ the Part of the Crown, and it is expedient to extend the
 ‘ Principle of the aforesaid Provision to such Cases, and thereby
 ‘ further facilitate the Transfer of Landed Property:’ Be it
 therefore enacted, That from and after the First Day of *January*
 next no Bond or Recognizance to the Crown so filed as of
 Record in *Ireland* which shall be more than Twenty Years old
 from the Date thereof shall affect any Lands, Tenements, or
 Hereditaments as to Purchasers or Mortgagees or Creditors,
 unless and until a Memorandum or Minute, duly authenticated,
 containing the Name and usual or last known Place of Abode,
 and the Title, Trade, or Profession, of the Person whose Estate
 is intended to be affected, the Sum for which such Bonds or
 Recognizance was passed or entered into, and the Date of the
 same, shall be left with the Registrar of Judgments, who shall
 forthwith enter the same Particulars in a Book to be entitled
 “Redocketed Crown Bonds and Recognizances,” to be kept in
 alphabetical Order by the Name of the Person whose Estate is
 intended to be affected by such Bonds or Recognizances; and
 for every such Entry the said Registrar shall be entitled to the
 same Fee as is authorized by the said Act for each Entry in the
 Book intituled “The Index of Debtors and Accountants to the
 Crown;” and all Persons shall be at liberty to search the said
 Book, as well as the Books directed by the said Act to be kept
 by the said Registrar, on Payment of the Fee by the said Act
 authorized.

Power to Treas-
 ury to consoli-
 date Offices.

XIV. ‘ And whereas by the Operation of this Act the Duties
 ‘ of certain Offices may be diminished, and it will therefore be
 ‘ expedient, having regard to Economy, to discontinue them as
 ‘ separate Offices, and to provide for the Discharge of such
 ‘ Duties as may remain to be performed:’ Be it therefore enacted,
 That in such Cases the Commissioners of Her Majesty’s Treas-
 ury, or any Three of them for the Time being, shall have Power,
 if they shall think fit, by their Warrant, after the passing of this
 Act, to order that a Consolidation of any Office so affected shall
 take place with some existing Office of the Court to which it
 belongs; and any Order made as aforesaid for the Regulation
 of the Business of such Office shall be of as much Force as if it
 had been specifically enacted herein, and the Officer to whom
 the Duties as aforesaid shall be so transferred shall have as full
 Power and Jurisdiction for all official Purposes as were enjoyed
 or belonged to the Officer whose Duties shall be so transferred.

Act may be
 amended, &c.

XV. And be it enacted, That this Act may be amended or
 repealed by any Act to be passed in the present Session of
 Parliament.

SCHEDULE of FEES to which the foregoing Act refers.

For every attested Copy of a Search recorded pursuant to this Act in the Office of Registrar of Deeds on the Certificate or Attestation thereof, when such Copy shall not exceed Three Folios of 72 Words	s.	d.
	1	0
When such Copy shall exceed Three Folios, for every Folio	0	4
For every attested Copy of a Search recorded pursuant to this Act in the Office of Registrar of Judgments on the Certificate or Attestation thereof, when such Copy shall not exceed Three Folios of 72 Words	1	0
When such Copy shall exceed Three Folios, for every Folio	0	4
For every other Certificate directed or required by this Act, including a Duplicate thereof	1	0
For every Memorandum of Satisfaction of a Judgment, Crown Bond, or Recognizance, Decree, Rule, or Order, to be subscribed or annexed to the original Entry of Registry in the Office of Registrar of Judgments, pursuant to this Act, including the Endorsement thereof directed by this Act	2	6
For Liberty to search the Book or Books in the Office of Registrar of Deeds containing the recorded Copies of Negative Searches	1	0
For Liberty to search the Book or Books in the Office of Registrar of Judgments containing the recorded Copies of Negative Searches	1	0

C A P. CXXI.

An Act to alter the Laws and Regulations of Excise respecting the Survey of Dealers in and Retailers of Spirits, and respecting the Sale and Removal of Spirits by Permit from the Stock of such Traders; and respecting the Distribution of Penalties and Forfeitures recovered under the Laws of Excise.

[4th September 1848.]

‘ **W**HEREAS an Act was passed in the Sixth Year of the
‘ Reign of His late Majesty King George the Fourth,
‘ intituled *An Act to repeal the Duties payable in respect of* 6 G. 4. c. 80.
‘ *Spirits distilled in England, and of Licences for distilling, rec-*
‘ *tifying, or compounding such Spirits, and for the Sale of Spirits,*
‘ *and to impose other Duties in lieu thereof; and to provide other*
‘ *Regulations for the Collection of the said Duties, and for the*
‘ *Sale of Spirits, and for the warehousing of such Spirits, without*
‘ *Payment of Duty, for Exportation; in which Act are contained*
‘ several Enactments, Regulations, Provisions, Penalties, and
‘ Forfeitures respecting Dealers in and Retailers of Spirits, and
‘ the same are directed to extend and be applied to Scotland and
‘ Ireland

9 G. 4. c. 45.

So much of
recited Acts
as relate to
Dealers in and
Retailers of
Spirits, and all
other Acts re-
pugnant hereto,
repealed.

Act not to
affect former
Provisions
respecting
Licences or
Certificates or
Regulations of
Police respect-
ing Retailers of
Spirits, or the
Removal of
Spirits by Per-
mit from the
Distiller or
Rectifier, or
between the
Three Parts of
the United
Kingdom.

Ireland by an Act passed in the Ninth Year of the Reign of His said Majesty, intituled *An Act to amend and to make perpetual, and to extend to the whole of the United Kingdom, certain Provisions contained in several Acts for regulating the Rectification, compounding, dealing in, or retailing of Spirits, and for preventing private Distillation in Scotland; and to provide for the Payment of the Duty on Malt used in making of Spirits from Malt only*: And whereas it is expedient to repeal all such Enactments, Regulations, Provisions, Penalties, and Forfeitures, and to substitute other Regulations in lieu thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act all the Enactments, Regulations, Provisions, Penalties, and Forfeitures contained in the said Act of the Sixth Year of the Reign aforesaid which are in force in respect of or in relation to Dealers in and Retailers of Spirits, and which are directed to extend and be applied to, and to be established, observed, executed, and put in force in and throughout *Scotland* and *Ireland* respectively, and in and throughout the United Kingdom of *Great Britain* and *Ireland*, by the said Act of the Ninth Year of the Reign aforesaid, and all other Enactments, Regulations, Provisions, Penalties, and Forfeitures respecting Dealers in and Retailers of Spirits in any other Act or Acts of Parliament relating to the Revenue of Excise which are provided for by this Act, or which are repugnant to or inconsistent with any of the Provisions of this Act, shall be and the same are hereby repealed, save and except as to any Fine, Penalty, or Forfeiture incurred under the said Acts or any of them by any such Dealer in or Retailer of Spirits before the passing of this Act, which Fine, Penalty, and Forfeiture may be recovered, enforced, and applied in the same Manner, and by the same Ways, Means, Powers, and Authorities, as if this Act had not been passed.

II. Provided always, and be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to affect any Excise Licence required to be taken out by any Dealer in or Retailer of Spirits in any Part of the United Kingdom; or any Duties of Excise in such respect (except so far as the same are otherwise specially provided for by this Act), or the Enactments, Regulations, Provisions, Pains, Penalties, and Forfeitures in force in respect of any such Licence, or in respect of any Certificate, to keep a common Inn, Alehouse, or Victualling House, or any other Certificate, Notice, or Authority required to be produced before an Excise Licence can be obtained for the Sale of Spirits by Retail to be drunk or consumed in or upon the House or Premises where sold, or in respect of the Sale of Spirits, or the carrying on of the Business of a Retailer of Spirits, so far as the same is made subject to certain Laws, Regulations, and Provisions of Police, or the Enactments, Regulations, Provisions, Pains, Penalties, or Forfeitures

feitures under or by virtue of which any Dealer in or Retailer of Spirits is required not to receive or knowingly suffer to be received into his Stock, Custody, or Possession, or to suffer any Person for him, or for his Use, or on his Account, to receive, any Spirits without the same being accompanied by a true and lawful Permit, so far as relates to the receiving of Spirits by such Dealers or Retailers from the Stock, Custody, or Possession of the Distiller or Rectifier thereof, or from any other Person not being a licensed Dealer in or Retailer of Spirits sending out such Spirits with a true and lawful Certificate as after mentioned, or from a public Sale of Spirits condemned and sold under the Direction of the Commissioners of Excise or Customs, or the Enactments, Regulations, Provisions, Pains, Penalties, and Forfeitures under which Spirits made in *England, Scotland, and Ireland* respectively may be shipped or carried, conveyed or removed, from *England to Scotland or Ireland*, or from *Scotland to England or Ireland*, or from *Ireland to England or Scotland*; all which Enactments, Regulations, Provisions, Pains, Penalties, and Forfeitures shall be and remain in full Force and Effect to all Intents and Purposes.

III. And be it enacted, That every Dealer in or Retailer of Spirits shall make a true and particular Entry in Writing to be signed by such Dealer or Retailer, of every Building, Room, or other Place intended to be used by him in or for the keeping of Spirits, and of every Vessel or Utensil, and of all standing or fixed Casks used or intended to be used by him in or for the keeping of any Spirits; and every such Entry shall be made by delivering the same to the proper Officer of Excise; and every such Building, Room, Place, Vessel, Utensil, and Cask shall be distinguished by a particular Letter or Number, and shall be described in such Entry by a corresponding Letter or Number; and every such Building, Room, and Place shall be open to the Entry and Inspection of any Officer of Excise, as directed by an Act of the Seventh and Eighth Years of the Reign of His said Majesty, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout Great Britain and Ireland*, and by an Act of the Fourth and Fifth Years of the Reign of His late Majesty King *William the Fourth*, intituled *An Act to amend the Laws relating to the Collection and Management of the Revenue of Excise*; and every Dealer in and Retailer of Spirits shall be subject to the Pains, Penalties, and Forfeitures imposed by the said recited Acts, and by an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to alter and amend certain Laws relating to the Collection, and Management of the Duties of Excise*, for every Default in observing any of the Particulars aforesaid; and the said Pains, Penalties, and Forfeitures, and all Enactments, Regulations, Provisions, Matters, and Things, in the said recited Acts, or any of them, so far as the same are applicable to this Act, shall be applied to the several Enactments, Regulations, Provisions, Matters, and Things contained

Entry to be
made of
Premises.

7 & 8 G. 4.
c. 53.

4 & 5 W. 4.
c. 51.

4 & 5 Vict.
c. 20.

tained in this Act as fully and effectually as if the same had been repealed and re-enacted in this Act.

Fixed Casks
used by Dealers
or Retailers of
Spirits in Stock
to have the
Contents
painted, cut,
or branded
thereon, under
the Penalty of
50*l*.

IV. And for enabling the Officers of Excise the more readily to take account of Dealers and Retailers Stocks of Spirits as in this Act after mentioned, be it enacted, That upon every standing or fixed Cask used by any Dealer in or Retailer of Spirits for holding or keeping any Spirits in stock, its full Measure in Gallons, or the Quantity of Liquor it is capable of containing, shall be legibly painted, cut, or branded on some conspicuous Part thereof, upon pain that the Dealer or Retailer in whose Custody or Possession any Cask so used is found, not having such full Measure thereof painted, cut, or branded thereon as aforesaid, shall forfeit and lose the Sum of Fifty Pounds for every such Default as aforesaid.

Dealers and
Retailers to
mark the true
Strength and
Quantity of
compounded
Spirits on the
Casks.

V. And be it enacted, That in all Cases where the Strength of any Part of the Stock of Spirits of any Dealer in or Retailer of Spirits, by being mixed or compounded with any Sugar, Syrup, Seeds, Fruit, or any other Ingredients or Materials, cannot be ascertained by *Sykes'* Hydrometer, every such Dealer or Retailer shall, immediately on being required so to do by any Officer of Excise, cause the true Quantity and Degree of Strength of such Spirits to be legibly marked on the Outside of the Cask or Casks, or Vessel or Vessels containing the same respectively; and if the Quantity and Strength of any such Spirits is found to be untruly marked as aforesaid, or if any such Dealer or Retailer, upon being required by any Officer of Excise, refuses or neglects immediately to mark the Quantity and Strength of such Spirits as aforesaid, all such Spirits, Syrup, Seeds, Fruit, and other Ingredients, together with the Casks and Vessels containing the same, shall be forfeited, and every such Dealer or Retailer shall for every such Offence incur the Penalty of Fifty Pounds: Provided always, that no such Penalty or Forfeiture shall be incurred by any Dealer or Retailer who marks on any such Cask of Compounds as the Strength of the Spirits therein contained the Strength expressed in the Permit or Certificate with which the same were received by such Dealer or Retailer into his Stock, no Alteration having been since made therein.

True Content
to be cut,
branded, or
painted on
movable Casks,
under pain of
Forfeiture.

VI. And be it enacted, That every Dealer in or Retailer of Spirits shall cause to be legibly cut, branded, or painted on the Outside of both of the Heads or Ends of each rolling or movable Cask used by him for keeping or delivering out Spirits, and shall at all Times keep thereon so cut, branded, or painted, the full and true Number of Gallons which every such Cask is capable of containing; and every such Cask which is found containing Spirits without the full and true Number of Gallons which the same is capable of containing being so cut, branded, or painted thereon, together with the Spirits contained therein, shall be forfeited.

Penalty on
Retailer not
licensed as a

VII. And be it enacted, That every Retailer of Spirits, not being entered and licensed also as a Dealer in Spirits, who sells,
sends

sends out, or delivers any Spirits to any Rectifier or Compounder of, or Dealer in or Retailer of Spirits, shall incur the Penalty of Fifty Pounds; and every Dealer in Spirits, not being entered and licensed also as a Retailer of Spirits, who sells, sends out, or delivers any Spirits in a less Quantity than Two Gallons of Spirits of the same Denomination at a Time to the same Person, shall incur the like Penalty: Provided always, that no such Penalty shall be incurred for or in respect of any Foreign or Colonial Spirits so sold whilst the same remain in the proper Warehouse of the Customs in which the same have been deposited on the due Importation thereof.

Dealer sending out Spirits to a Rectifier, and on Dealer not licensed as Retailer selling less than Two Gallons.

VIII. And be it enacted, That no Retailer of Spirits shall be a Distiller, Rectifier, or Compounder of Spirits, or be in any Manner interested or concerned in the Trade or Business of a Distiller, Rectifier, or Compounder of Spirits, at any Premises within Two Miles of the Place at which he is entered or licensed to carry on the Business of a Retailer of Spirits; and no Person shall be licensed as a Retailer of Spirits in any House or Premises having any Communication or Way internally or through any inclosed or private Yard, Field, Passage, or private Road or Place with any House or Premises entered or used by any Distiller or Rectifier of Spirits; and if any such Retailer of Spirits is a Distiller, Rectifier, or Compounder of Spirits, or is in any Manner interested or concerned in such Trade or Business contrary to this Act, and if any Person is licensed as a Retailer of Spirits in any House or Premises contrary to this Act, he shall for every such Offence incur the Penalty of Two hundred Pounds.

Retailer not to be concerned in any Distillery, &c. within Two Miles of his Premises, and no Person to be licensed as a Retailer in any Place having a private Communication with a Distillery, &c.

IX. And be it enacted, That from and after the Commencement of this Act any Person duly licensed as a Dealer in Spirits under an Act of the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to repeal several Duties payable on Excise Licences in Great Britain and Ireland, and to impose other Duties in lieu thereof, and to amend the Laws for granting Excise Licences*, may take out an additional Licence authorizing such Person to sell by Retail any Quantity (the same not being less than One reputed Quart Bottle, or in the Bottles in which the same may have been imported,) of Foreign Liqueurs, not to be drunk or consumed upon the Premises.

Licensed Dealers in Spirits may take out an additional Licence to retail Foreign Liqueurs. 6 G. 4. c. 81.

X. And be it enacted, That for every such additional Licence there shall be paid an annual Duty of Excise of Two Pounds Two Shillings, which said Duty shall be under the Collection and Management of the Commissioners of Excise, and shall be raised, recovered, paid, and accounted for in the same Manner, and under the same Enactments, Provisions, Pains, Penalties, and Forfeitures, as other Licence Duties under the Collection and Management of the Commissioners of Excise are raised, recovered, paid, and accounted for.

Duty on additional Licence to be 2l. 2s., to be under the Excise.

XI. And be it enacted, That every such Licence shall be in such Form and shall contain such Particulars as the Commissioners of Excise may direct, and shall be signed, granted, and

Licence to be in such Form as the Commissioners of Excise direct, and

to be granted
by the Officers
of Excise.

issued by the proper Officers of Excise duly authorized to grant Licences; and every such Licence shall continue in force from the Day of the Date thereof until the Fifth Day of *July* following, on which Day every such Licence shall expire, and shall be renewed if the same Business is carried on; and all the Enactments, Provisions, Pains, Penalties, and Forfeitures contained in the said recited Act of the Sixth Year of the Reign aforesaid shall apply to and be in force in respect of the said additional Licence in the same Manner as if the same had been one of the Licences originally included in that Act.

Every Dealer
and Retailer to
provide a Book
for entering
therein the
Particulars of
Spirits received
and sent out by
him.

XII. And be it enacted, That every Dealer in or Retailer of Spirits shall provide himself with a Book prepared according to a Pattern to be given to him on his Application for it to the proper Officer of Excise in whose Division or Ride the Premises of such Dealer or Retailer are situated; and every such Dealer or Retailer shall, on the same Day on which he receives any Spirits into his Stock, Custody, or Possession, or at such Time on that Day as he is requested to do so by any Officer of Excise authorized to take an Account of his Stock, write and enter in such Book, and in the proper Columns prepared for such Purposes respectively, the Date when, and the Christian and Surname of the Person or the Name of the Firm from whom, and of what Place, such Spirits were received, the Number of Gallons, and the Kind or Quality of such Spirits, and the Strength thereof; and every such Dealer or Retailer shall also, on the same Day on which he sends out of his Stock, Custody, or Possession any Spirits in a Quantity requiring a Certificate as after mentioned, or at such Time afterwards as aforesaid, write and enter in like Manner in the said Book the Day when sent, and the Christian and Surname of the Person or the Name of the Firm, and of what Place, to whom such Spirits are sent, the Number of Gallons, and the Kind or Quality of such Spirits, and the Strength thereof; and every such Book shall at all Times be kept in some public and open Place of the entered Premises of such Dealer in or Retailer of Spirits for the Inspection of such Officers of Excise as aforesaid, and every such Officer of Excise may examine such Book, and take any Extract therefrom; and every such Book, after it has been filled up as aforesaid, shall be preserved by the Dealer or Retailer by whom the same has been filled up for a Period of not less than Twelve Months, and during such Time shall be produced by such Dealer or Retailer to every such Officer of Excise demanding the same; and if any Dealer in or Retailer of Spirits refuses or neglects to provide any such Book or to make or cause to be made due Entries therein as aforesaid, according to the true Intent and Meaning of this Act, or fraudulently cancels, alters, obliterates, or destroys any Part of such Book or any Entry therein, or makes any false Entry therein, or hinders or obstructs any such Officer of Excise from or in examining such Book, or making any Minute therein, or taking any Extract therefrom, or if any such Book is not preserved or is not produced by such Dealer or Retailer as herein-before directed, every such Dealer

or Retailer shall for every such Offence incur the Penalty of One hundred Pounds.

XIII. And be it enacted, That a Certificate Book, prepared with proper printed Forms for such Purposes as herein-after mentioned; shall be delivered by the proper Officer of Excise to every Dealer in and to every Retailer of Spirits who requests the same, in Writing, of such Officer; and every such Dealer or Retailer, on Receipt of such Book, shall acknowledge the same in Writing, under such Request as aforesaid, or as the Commissioners of Excise may direct; and no Spirits whatever shall be sold, sent out, or delivered from the Stock, Custody, or Possession of any Dealer in Spirits, and no Spirits exceeding the Quantity of One Gallon of Spirits of the same Denomination at a Time, for the same Person, shall be sold, sent out, or delivered from the Stock, Custody, or Possession of any Retailer of Spirits, without a Certificate filled up, and cut out progressively from the printed Forms contained in such Book, and signed by the Dealer or Retailer selling, sending out, or delivering such Spirits, or by some Person on his Behalf, with the Addition to his Signature of his Occupation (whether Dealer or Retailer), certifying the Person from whom, the Place from whence, the Day and Hour of the Day when sent out or delivered, the Number of Casks or other Packages in which such Spirits are sent out, the Number of Gallons and Kind or Quality and Strength of such Spirits, the Christian and Surname of the Person or the Name of the Firm to whom sold, and the Place to which, and the Conveyance by which, the same are to be sent; and every such Dealer or Retailer, before such Certificate is cut from its Counterpart, shall make a corresponding Entry in such Counterpart of the same Particulars as are stated in the Certificate, and every such Certificate shall accompany such Spirits on the Removal thereof, and shall be delivered to the Person to whom such Spirits are sold, sent out, or delivered; and every Dealer in or Retailer of Spirits shall keep the said Certificate Book in some public and open Part of his entered Premises for the Inspection of the Officers of Excise; and when such Certificate Book is completely used by filling up the same as aforesaid, or when demanded by the proper Officer, every such Dealer or Retailer shall return the same to the proper Officer of Excise, who shall give a Receipt for the same, and, if requested as aforesaid, shall thereupon deliver to him a new Certificate Book, to be acknowledged and kept by him as aforesaid; and every Dealer in Spirits who sells, sends out, or delivers any Spirits without such Certificate as aforesaid, and every Retailer of Spirits who sells or sends out any Spirits exceeding the Quantity of One Gallon of Spirits of the same Denomination at a Time, for the same Person, without such Certificate as aforesaid, and every Dealer in or Retailer of Spirits who does not make a corresponding Entry in the Counterpart of such Certificate as aforesaid, or who does not keep or return such Book as aforesaid, or who hinders or obstructs any Officer of Excise in examining such Book, or making any Minute therein or Extract therefrom,

All Spirits sold by Dealers to be accompanied by a Certificate, and so also by Retailers when the Quantity exceeds One Gallon.

or who fraudulently cancels, alters, obliterates, or destroys any Part of such Book, or any Entry therein, or who makes any false Entry therein, shall for every such Offence incur the Penalty of One hundred Pounds, and all Spirits sent out or delivered as aforesaid without such Certificate shall be forfeited: Provided always, that no such Penalty or Forfeiture shall be incurred for or by reason of the Strength of the Spirits not agreeing with the Certificate accompanying the same, if the Strength of the Spirits is not more than One *per Centum* above or Two *per Centum* below the Strength of the Spirits expressed in such Certificate.

Dealers under additional Licence may send out not exceeding One Gallon without Certificate.

XIV. Provided always, and be it enacted, That nothing in this Act contained shall be deemed or construed to require any licensed Dealer in Spirits taking out such additional Licence to retail Foreign Liqueurs as in this Act mentioned to send out or deliver such Foreign Liqueurs with such Certificate as aforesaid, if the Quantity of Foreign Liqueurs so sent out does not at any One Time exceed the Quantity of One Gallon, and such Liqueurs are not sent to the Stock of any Dealer in or Retailer of Spirits.

Penalty for using Certificate for any Purpose other than the due Removal of Spirits.

XV. And be it enacted, That if any Dealer in or Retailer of Spirits fills up and cuts out from any Certificate Book delivered to him as aforesaid any Certificate as for the Removal of Spirits from his own Stock, and sells, lends, delivers, employs, or makes use of such Certificate, or causes or suffers such Certificate to be sold, lent, delivered, employed, or made use of, for any other Purpose whatsoever than to accompany the actual Removal and Delivery of such Spirits as are therein expressed, or sells, lends, or delivers any Certificate cut out from such Book as aforesaid, but not filled up, to any Person whatever, or if any Dealer in or Retailer of Spirits, or any other Person, buys, borrows, or receives any Certificate, whether filled up or not, and uses the same, so that any Account of Spirits kept or checked by any Officer of Excise, or any Examination of Spirits by any Officer authorized to demand the Production of the Certificate accompanying such Spirits, is or may be frustrated and evaded, then and in every such Case every such Dealer or Retailer or other Person so offending shall for every such Offence forfeit the Sum of Five hundred Pounds; and every Person having any Licence to deal in, retail, or sell Spirits shall, upon being convicted of any such Offence as aforesaid, forfeit every such Licence, and no new Excise Licence shall be granted to such Person so convicted for the Remainder of the current Year of any Licence so forfeited.

No Dealer or Retailer to receive any Spirits without Permit or Certificate, and the same to be cancelled on Receipt thereof.

XVI. And be it enacted, That no Dealer in or Retailer of Spirits shall receive any Spirits which are not accompanied by a true and lawful Permit or Certificate as the same are respectively by this Act or by any other Act or Acts of Parliament required; and immediately on receiving any such Permit or Certificate every such Dealer or Retailer shall cancel the same by writing in large Letters in Ink across such Permit or Certificate, or in the Space prepared for that Purpose, the Word
 “Received,”

“Received,” and the Day and Hour when received, or shall otherwise permanently cancel such Permit or Certificate by Lines drawn in Ink across the same, so as to prevent its being again used for the Removal of Spirits; and every Dealer in or Retailer of Spirits who receives any Spirits without the same being accompanied by a true and lawful Permit or Certificate as by this Act or any other Act or Acts of Parliament required shall incur the Penalty of One hundred Pounds; and all such Spirits, or an equal Quantity of Spirits of a like Kind, to be taken out of any Part of his Stock, shall be forfeited; and every Dealer in and Retailer of Spirits receiving any such Permit or Certificate as aforesaid who does not cancel the same as aforesaid shall incur the Penalty of Fifty Pounds.

XVII. And be it enacted, That all Permits and Certificates received with any Spirits by any Dealer in or Retailer of Spirits shall be preserved after being cancelled as aforesaid, and delivered by such Dealer or Retailer to the Officer of Excise who first inspects his Premises after the Receipt thereof; and if any Dealer in or Retailer of Spirits receives any Permit or Certificate with Spirits, and does not preserve or deliver the same to such Officer as aforesaid, he shall incur the Penalty of Fifty Pounds for every such Permit or Certificate: Provided always, that no such Penalty shall be incurred if the Permit or Certificate has been lost or destroyed after the Expiry of Three Months from the Date thereof.

Permits and
Certificates to
be delivered to
the Officer.

XVIII. And be it enacted, That the Certificate Book, prepared with proper printed Forms of Certificates, which by this Act is directed to be delivered by the proper Officer of Excise to every Dealer in and to every Retailer of Spirits who requests the same in Writing of such Officer, shall be printed on Paper provided under and by virtue of an Act passed in the Second Year of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws regulating the granting and issuing of Permits for the Removal of Goods under the Laws of Excise*, to be used in *Great Britain* and *Ireland* for Permits, under and subject to the same Enactments, Rules, Regulations, Exceptions, Pains, and Penalties as is or are in the said Act contained for or in respect of the same Paper when used by the Commissioners of Excise for Permits; and the said Commissioners shall cause to be provided Plates engraved with such Marks, Stamps, Numbers, or Devices, which they may afterwards alter, as to them seems meet, and shall also cause to be provided Types cast in any particular Form that they think proper for the printing, stamping, and marking the said Paper for such Certificates; and the said Plates shall be engraven and Types cast by such Person or Persons as the said Commissioners for that Purpose authorize or appoint, and the said Plates so engraven, and the Types so cast, shall be kept by such Officer or other Person as the said Commissioners authorize or appoint; and every Person not being so authorized or appointed by the said Commissioners who engraves, casts, cuts, or makes, or causes or procures to be engraven, cast, cut, or made, or aids or

Commissioners
to provide
Plates and
Types for
printing Certi-
ficates on Paper
used for Per-
mits.

2 & 3 W. 4.
c. 16.

Unauthorized
Persons coun-
terfeiting or
having counter-
feit Plates or

Types or Impressions to be subject to like Punishment as in recited Act.

assists in engraving, casting, cutting, or making, any Plate or Type made or used by the Direction of the said Commissioners for the Purpose of marking or printing the Paper to be used for Certificates, and every Person (except as aforesaid) who knowingly has in his Custody or Possession, without lawful Excuse (the Proof whereof shall lie on the Person accused), any such Plate or Type, shall for every such Offence be adjudged guilty of the like Offence, and shall suffer Punishment accordingly, as by the said Act of the Second Year of the Reign of His Majesty King *William* the Fourth is provided for and enacted in respect of any Person adjudged guilty of a similar Offence for and in respect of the Plates or Types provided by the said Commissioners for the printing of Permits; and every Person who counterfeits or forges, or causes or procures to be counterfeited or forged, or assists in counterfeiting or forging, any such Certificate as aforesaid, or any Part of any such Certificate, or counterfeits any Impression, Mark, or Stamp, Number or Device, provided or appointed by the said Commissioners to be put on such Certificate, or who utters, gives, or makes use of any counterfeited or forged Certificate, knowing the same or any Part thereof to be counterfeited or forged, or who utters, gives, or makes use of any such Certificate with any such counterfeited Impression, Mark, or Stamp, Number or Device, knowing the same to be counterfeited, and every Person who knowingly or willingly accepts or receives any counterfeited or forged Certificate, or any Certificate with any such counterfeited Impression, Mark, or Stamp, Number or Device thereon, knowing the same to be counterfeited, shall for every such Offence be adjudged guilty of the like Offence, and shall suffer Punishment accordingly, as by the said Act of the Second Year of the Reign of His Majesty King *William* the Fourth is provided for and enacted in respect of every Person adjudged guilty of a similar Offence for and in respect of the Plates or Types provided by the said Commissioners for the printing of Permits: Provided always, that it shall be lawful for the said Commissioners to cause the Paper to be used for the printing of Permits under the said Act of the Second Year of the Reign aforesaid, or to be used for the printing of Certificates under this Act, to be made of such Quality or Texture, or with such Letters, Figures, Marks, or Devices visible in the Substance of such Paper, as the said Commissioners may direct, without such Paper having the Words "Excise Office" visible in the Substance thereof; and all Paper so made and used shall be subject to the same Enactments, Rules, Regulations, Exceptions, Pains, and Penalties as is or are contained in the said recited Act for and in respect of the Paper to be provided as directed by that Act.

Bulk not to be broken until One Hour after Receipt of Spirits.

XIX. And be it enacted, That no Dealer in or Retailer of Spirits receiving any Spirits in any less Quantity than a Cask containing Fifty Gallons shall break Bulk or draw off any Part thereof, or add any Water or anything thereto, or in any respect alter the same, or tap any of the Casks so received, or alter or change any of the Packages containing any Spirits; or the
Spirits

Spirits therein removed, until One Hour after such Spirits have been received by him, under pain of forfeiting such Spirits and the Penalty of Fifty Pounds.

XX. And be it enacted, That any Officer of Excise of not less Rank than a Supervisor of Excise may at any Time take or cause to be taken by any other Officer of Excise in his Presence an Account of the Quantity of all Spirits in the Stock, Custody, or Possession of any Dealer in or Retailer of Spirits; and if it be found that the Quantity of Spirits remaining in the Stock, Custody, or Possession of such Dealer or Retailer exceeds the Quantity which appears to the Credit of such Dealer or Retailer on balancing the Book by this Act before directed to be kept by him of all Spirits received into and sent out of his Stock, Custody, or Possession, (such Spirits, and all Spirits entered in such Book, and all Spirits in the Stock of such Dealer or Retailer, being for that Purpose computed at Proof,) such Excess shall be deemed and taken to be Spirits illegally received; and a Quantity of Spirits equal to such Excess may be seized out of any Part of the Stock of such Dealer or Retailer by any Officer of Excise; and the Dealer or Retailer in whose Stock, Custody, or Possession such Excess is found shall forfeit the Penalty of Twenty Shillings for every Gallon of such Excess; and every Dealer in or Retailer of Spirits who does not, when required by any Officer of Excise authorized to take an Account of his Stock, by a sufficient Number of his Servants aid and assist such Officer in taking such Account as aforesaid, shall incur the Penalty of Fifty Pounds: Provided always, that it shall be lawful for any Officer of Excise, without the Presence of such Supervisor, to enter into any Part of the entered Premises of any Dealer in or Retailer of Spirits, and to examine and take Samples of any Spirits in the Stock, Custody, or Possession of such Dealer or Retailer, paying for such Samples the usual Price thereof.

Stock may be taken by Supervisor, and Excess forfeited.

XXI. And be it enacted, That when any Person is licensed as a Dealer in Spirits and also as a Rectifier of Spirits at the same Time, and in the same or in any adjoining Premises, such Person shall not be surveyed as a Dealer in Spirits under this Act, except with the Consent of the Commissioners of Excise, and under and subject to such further Rules and Regulations as they may in that Behalf appoint; and the Account of all Spirits in the Stock, Custody, or Possession of any such Person, except as aforesaid, whether in the Premises entered by him as a Dealer in Spirits, or in the Premises entered by him as a Rectifier of Spirits, shall be kept as the Stock of a Rectifier of Spirits, and taken account of by any Officer of Excise; and all Spirits sold or sent out from any Part of such Stock, whether from the one Premises or the other, shall be sent out as by a Rectifier of Spirits, and by Permit, under and subject to the Provisions and Enactments, Pains, Penalties, and Forfeitures, now by Law applicable to Rectifiers of Spirits and to Spirits sent out from the Stock, Custody, or Possession of a Rectifier

Persons licensed as Dealers and Rectifiers of Spirits on the same or adjoining Premises to be surveyed as Rectifiers.

No Spirits to
be purchased
except from
licensed
Traders.

of Spirits, anything in this or in any other Act or Acts of Parliament to the contrary thereof notwithstanding.

XXII. And be it enacted, That if any Dealer in or Retailer of Spirits receives or buys, or procures or employs any Person to receive or buy, any Spirits from any Person or Persons whomsoever, except a licensed Distiller, Rectifier, or Compounder of Spirits, or a licensed Dealer in or Retailer of Spirits, whose Name is painted over the outward Door of his entered Premises in the Manner required by the said Act of the Sixth Year of the Reign of His said Majesty King *George the Fourth*, or at some public Sale of Spirits sold under the Direction of the Commissioners of Excise or Customs, every such Dealer or Retailer so offending shall incur the Penalty of Five hundred Pounds: Provided always, that no such Penalty shall be incurred for or by reason of any such Dealer or Retailer receiving or buying any Foreign or Colonial Spirits from the proper Warehouse of the Customs in which the same have been deposited, on the due Importation thereof, or receiving or buying any *British* Spirits from any Warehouse of Excise in which the same have been deposited before Payment of Duty, or whilst the same are lying openly on the Quays on which such last-mentioned Spirits have been lawfully landed on due Removal thereof from one Part of the United Kingdom to another, and from a licensed Dealer in such last-mentioned Spirits.

Strength at
which British
Spirits may be
kept and sent
out of Stock.

XXIII. And be it enacted, That no Dealer in or Retailer of Spirits shall receive or keep in or send out from his Stock, Custody, or Possession any *British* Spirits, except Spirits of Wine, of any Strength exceeding the Strength at which licensed Distillers and Rectifiers of Spirits can send out Spirits of the like Denomination from their Stock, Custody, or Possession, or any Spirits of Wine of any less Strength than the Strength of Forty-three *per Centum* above Hydrometer Proof, on pain of forfeiting all Spirits, and the Casks and Packages containing the same, received, kept, or sent out contrary hereto.

All Spirits ex-
ceeding One
Gallon to be
removed by
Permit or Cer-
tificate, other-
wise Penalty
and Forfeiture.

XXIV. And be it enacted, That no Spirits of any Kind whatever exceeding the Quantity of One Gallon of Spirits at a Time, of the same Denomination, for the same Person, shall be removed from any one Part or Place in the United Kingdom to any other Part or Place thereof, without a true and lawful Certificate of the proper Officer of Customs, if the Spirits be removed from a Customs Warehouse, (unless the same be under Bond on Removal from one such Warehouse to another Warehouse,) or without a true and lawful Certificate from a Dealer in or Retailer of Spirits, if the Spirits be removed from the Stock of such Trader, or without a true and lawful Permit if the Spirits be removed from the Stock, Custody, or Possession of any other Person, or from any Excise Warehouse; and all such Spirits found removing or removed without such Permit or Certificate accompanying or having accompanied the same on the last Removal thereof (unless the same be under Bond as aforesaid) shall be forfeited; and every Person in whose Custody or Pos-
session

session the same are found shall incur the Penalty of One hundred Pounds, or Treble the Value of such Spirits, at the Election of the Commissioners of Excise or Customs.

XXV. And be it enacted, That any Officer of Excise or Customs, or of the Revenue Police in *Ireland*, and any Officer of the Peace, having a Commission from the Commissioners of Excise, may stop or detain any Person or Persons found carrying or removing any Spirits in any Part of the United Kingdom, and may demand the Production of the Permit or Certificate accompanying such Spirits, and such Officer may indorse on such Permit or Certificate the Time, Hour, and Place of such Examination; and if any Spirits exceeding the Quantity of One Gallon of Spirits of the same Denomination at a Time for the same Person are found removing without a true and lawful Permit or Certificate accompanying the same, or if any Person found removing Spirits in such Quantity and in such Circumstances as by Law render it necessary that such Spirits should be accompanied by a Permit or Certificate refuses to produce such Permit or Certificate immediately on the Production thereof being demanded as aforesaid, every such Person so offending shall incur the Penalty of One hundred Pounds; and every such Officer is authorized and required to arrest and detain every such Person, and to convey him before One or more of Her Majesty's Justices of the Peace residing near to the Place where such Person is arrested; and every such Justice or Justices is and are hereby authorized and required to hear and determine, as soon afterwards as practicable, the Charge against any Person so arrested, and on the Confession of such Person, or on Proof upon Oath by One or more credible Witness or Witnesses (which Oath such Justice or Justices of the Peace is and are hereby authorized to administer), to convict every such Person in such Penalty as aforesaid; and no such Penalty shall be mitigated by any such Justice below the Sum of Ten Pounds; and every Person so convicted shall immediately on such Conviction pay down into the Hands of such Officer, or (if an Officer of the Peace) into the Hands of the Clerk of such Justice or Justices, for the Order and Direction of the Commissioners of Excise, the said Penalty; and if any Person so convicted does not forthwith pay down such Penalty, such Justice or Justices is and are hereby required, by Warrant under his or their Hand and Seal, to commit such Person to any Gaol or Prison of the County, there to be kept to hard Labour for the Space of not exceeding Six Calendar Months nor less than One Calendar Month, unless such Penalty is sooner paid.

XXVI. And be it enacted, That all Enactments, Regulations, Provisions, Pains, Penalties, and Forfeitures in any Act or Acts of Parliament relating to the Revenue of Excise which are applicable to this Act, and are not expressly provided for therein, and are not repugnant to or inconsistent with any of the Provisions thereof, shall be enforced, used, and applied to and for the Purposes of this Act, as fully and effectually to all Intents and Purposes as if such Enactments, Regulations, Provisions, Pains,

Persons removing Spirits in any Quantity exceeding One Gallon in any Part of the United Kingdom, and refusing to produce a proper Permit or Certificate, may be arrested, convicted, and on Nonpayment of the Penalty imprisoned for not more than Six or less than One Calendar Month.

Former Provisions and Penalties of Excise not inconsistent herewith applied to this Act.

Penalties and Forfeitures of this Act recoverable under the Laws of Excise.

Officer of Excise to have no Interest in Penalties or Forfeitures under any Law of Excise.

Commencement of Act.

Act may be amended, &c.

Pains, Penalties, and Forfeitures had been particularly repeated and re-enacted in this Act.

XXVII. And be it enacted, That all Penalties and Forfeitures by this Act imposed or incurred shall be prosecuted, sued for, recovered, and applied as any other Penalties and Forfeitures incurred under or by virtue of the Acts of Parliament relating to the Revenue of Excise, and as by this Act afterwards directed respecting the Distribution of such Penalties and Forfeitures.

XXVIII. ' And whereas Penalties and Forfeitures incurred under or by virtue of the Acts of Parliament relating to the Revenue of Excise are, after Deduction therefrom of all Costs and Expenses relating thereto, directed to be distributed in One Moiety, or Part, or in the whole, to the Officer or Officers of Excise or the Person or Persons who discovers, informs, or sues for the same: ' Be it enacted, That no Part of any Penalty or Forfeiture incurred under or by virtue of any Act of Parliament relating to the Revenue of Excise to be hereafter recovered shall be distributed or paid to any Officer or Officers of Excise, but all (if any) Parts of such Penalty or Forfeiture which would have been payable to any Officer of Excise if this Act had not been passed shall be deemed and taken to have been recovered to the Use of Her Majesty, Her Heirs or Successors.

XXIX. And be it enacted, That this Act shall commence and take effect from and after the Tenth Day of October One thousand eight hundred and forty-eight.

XXX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. CXXII.

An Act to amend the Laws respecting the Warehousing of *British* Spirits in *England*, *Scotland*, and *Ireland* respectively, and to permit Spirits made from Malt only, and Spirits made from Malt and other Grain, and Rectified Spirits; to be exported on Draw-back from any Part of the United Kingdom; and respecting certain Spirit Mixtures, and the Removal of Goods subject to Excise Regulations from Customs Warehouse. [4th September 1848.]

6 G. 4. c. 80.

' WHEREAS by an Act passed in the Sixth Year of the
' Reign of His Majesty King George the Fourth, inti-
' tuled *An Act to repeal the Duties payable in respect of Spirits*
' *distilled in England, and of Licences for distilling, rectifying,*
' *or compounding such Spirits; and for the Sale of Spirits, and*
' *to impose other Duties in lieu thereof; and to provide other*
' *Regulations for the Collection of the said Duties, and for the*
' *Sale of Spirits, and for the Warehousing of such Spirits,*
' *without Payment of Duty, for Exportation, every Distiller in*
' *England*

England is permitted to warehouse for Exportation only, or for Removal to *Scotland* or *Ireland*, any Spirits distilled in the Distillery of such Distiller, without Payment of the Duty of Excise thereon, according to the Provisions of the said Act, and of an Act of the Sixth and Seventh Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to impose countervailing Duties of Excise on Mixtures, Compounds, Preparations, and Commodities made from or with Spirits removed from Ireland to England or Scotland, or from Scotland to England, and to grant countervailing Drawbacks on the Removal of the same, to repeal the additional Duties of Excise on Licences to Retailers of Spirits in the United Kingdom, and to alter the Laws relating to Distillers and Retailers of Spirits*, and under and subject to such further Rules and Regulations as the Commissioners of Excise may from Time to Time order or direct: And whereas it is expedient to extend the same Provisions to the warehousing of such Spirits for Home Consumption in *England* as it is now permitted to be done by Law in *Scotland* and *Ireland*: Be it enacted by the Queen's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act every licensed Distiller in *England* may warehouse for Home Consumption any Spirits distilled in the Distillery of such Distiller without Payment of the Duty of Excise charged thereon, according to the Provisions of the said Acts and of this Act, and under and subject to the Payment of the full Duty of Excise payable on *British* Spirits distilled in *England* before any such Spirits are delivered out of any such Warehouse for Consumption in *England*, in like manner as such Duty is directed to be paid by the said Act of the Sixth Year of the Reign of His said Majesty *George* the Fourth before any such Spirits are delivered out of any such Warehouse for Removal for Consumption in *Scotland* or *Ireland*, and under and subject to such other Rules and Regulations as the Commissioners of Excise may make in that respect.

II. And be it enacted, That all Spirits distilled and warehoused without Payment of Duty in any Warehouse approved of by the Commissioners of Excise in any one Part of the United Kingdom under the Provisions, Enactments, Rules, and Regulations in force in such respect may, at the Desire and Risk of the Distiller thereof, and on Payment of the Duties on all Deficiencies found before the Removal thereof, (or if such Warehouse be a general Warehouse as herein-after described, and if Spirits have been transferred therein from the Distiller to a Purchaser as after mentioned, then at the Desire and Risk of the Proprietor and upon Payment of the Duties on all Deficiencies found in the Spirits so transferred before the Removal thereof,) be removed for Home Consumption, or for Exportation, for the Purpose of being shipped as Stores, under such Security and Regulations as the Commissioners of Excise from Time to Time order or direct in respect thereof, from the Warehouse

in

6 & 7 W. 4. c. 72.

Power for
licensed Dis-
tillers in Eng-
land to ware-
house Spirits
for Home Con-
sumption, with-
out Payment of
the Duty till
delivered out.

Spirits ware-
housed in one
Part of the
United King-
dom may be
removed to
another upon
Payment of
Duties for all
Deficiencies,
for Home Con-
sumption, for
Exportation,
or for Ship's
Stores.

in which the same are warehoused to any other Warehouse approved of by the Commissioners of Excise in any other Part or Place of the United Kingdom, there to be warehoused in the Name of the Distiller thereof, or of the Proprietor thereof, if transferred as aforesaid, anything in any other Act or Acts to the contrary thereof in anywise notwithstanding; and all such Spirits, when so removed and re-warehoused, shall be dealt with in all respects as if the same had been distilled in the Country to which the same are removed.

Commissioners of Excise may appoint general Warehouses under Bond, in which any Distiller may warehouse British Spirits.

III. And be it enacted, That the Commissioners of Excise may appoint any general Warehouse or Warehouses in any Part or Place of the United Kingdom, for the Deposit therein of *British Spirits* warehoused without Payment of Duty for Home Consumption, or for Exportation, or for Use as Ships Stores, under such Security by Bond from the Proprietor or Tenant of such Warehouse, for the Payment of the Duties on all Spirits to be deposited therein, in such penal Sum and subject to such Condition and with One or more sufficient Sureties as the said Commissioners may require, and under such other Rules and Regulations as the said Commissioners may make in that respect; and every licensed Distiller of any *British Spirits* may, under the Laws and Regulations in that respect, warehouse without Payment of Duty any Spirits distilled and removed by him either direct from his Distillery or from any other Warehouse in any such general Warehouse for all or any of the Purposes aforesaid, there to be entered and deposited by such Distiller in his Name in a Book to be kept by the proper Officer of Excise in charge of such Warehouse, in such Manner and Form as the Commissioners of Excise may direct; and the said Commissioners may at any Time revoke their Approval of any such Warehouse, in which Case all Spirits then deposited in any such Warehouse shall be removed therefrom as directed by the said Commissioners, and no other *British Spirits* shall be warehoused therein as aforesaid.

Spirits deposited in a general Warehouse may be transferred on Notice and Sale from the Distiller to a Purchaser, and there entered, and kept in Name of Purchaser, who shall be liable to the Duty.

IV. And be it enacted, That any Distiller of any Spirits distilled and warehoused by him in any such general Warehouse, and there entered and deposited in his Name as aforesaid, may sell and transfer the same to a Purchaser in such Warehouse, upon giving Six Days Notice in Writing of his Intention so to do to the Collector of Excise in whose Collection the Distillery of such Distiller is situated; and upon due Notice being given as aforesaid, and no Objection made to such Sale and Transfer by the Collector, or by any Person on behalf of the Commissioners of Excise, within such Six Days, it shall be lawful for such Distiller to complete the Sale by entering into a written Agreement of Sale, to be duly signed by the Parties, or by a written Contract of Sale, made, executed, and delivered by a Broker or other Person legally authorized for or on behalf of the Parties respectively; and the Officer of Excise in charge of such Warehouse shall thereupon forthwith transfer and enter the Spirits so sold and deposited in the Name of the Distiller to the Name of the Purchaser in the Book kept by such Officer for that

that Purposé as aforesaid, in such Manner and Form as the Commissioners of Excise may direct; and all such Spirits shall, from and after such Transfer, be discharged and released from all Claim for or in respect of any Duties, Penalties, or Forfeitures to which the Distiller by whom such Sale has been made is liable, anything in this or in any other Act of Parliament to the contrary thereof notwithstanding: Provided always, that no such Spirits shall be delivered out of any such Warehouse for Home Consumption until Payment of the full Duties of Excise chargeable thereon, nor shall any such Spirits be removed from such Warehouse for any Purpose until such Duties are charged and paid on all Deficiencies found therein before the Removal hereof.

Spirits not to be delivered out till Duty paid on all Deficiencies, &c.

V. And be it enacted, That if after any Spirits duly removed under the Provisions of this Act, and the Laws and Regulations in such respect, from a Warehouse in *England, Scotland, or Ireland*, to be deposited in another Warehouse without Payment of Duty in some other Part of the said Three Parts of the United Kingdom, have been duly entered and landed, and before the same have been actually deposited in such last-mentioned Warehouse, the Distiller or Proprietor makes a further Entry of such Spirits, or of some Portion or Part thereof, not being less than a whole Cask, for Removal for Home Consumption, or to another Warehouse than such last-mentioned Warehouse, or for Exportation, or for the Purpose of being used as Ships Stores, the Spirits of which such further Entry is made shall be considered as virtually and constructively warehoused in such last-mentioned Warehouse, although not actually deposited therein, and may be delivered and permitted to be removed for Home Consumption, or to another Warehouse, or for Exportation, or for the Purpose of being used as Ships Stores, as if the same had been delivered from Warehouse.

Distiller or Proprietor of Spirits removed from Warehouse in one Part of the United Kingdom to another may make fresh Entry of the same after landing.

VI. And be it enacted, That it shall be lawful for the Commissioners of Excise to remit the Duties payable or paid on the whole or any Portion of any *British* Spirits which are or have been deposited in any Warehouse approved of by them, and which are lost or destroyed by unavoidable Accident occurring on Shipboard, or in the shipping or landing of the same, or while such Spirits are deposited in such Warehouse, or in the Act of being received into or delivered out from such Warehouse, on proof of such Loss or Destruction being given to the Satisfaction of the said Commissioners.

Commissioners of Excise may remit Duties on Spirits lost from Accident on Shipboard, or in Warehouse, &c.

VII. ' And whereas by an Act passed in the Fourth Year of the Reign of His said Majesty King *George* the Fourth, intituled *An Act to grant certain Duties of Excise upon Spirits distilled from Corn or Grain in Scotland and Ireland, and upon Licences for Stills for making such Spirits, and to provide for the better collecting and securing such Duties, and for the warehousing of such Spirits without Payment of Duty*, it is provided and enacted, "that any Spirits which under the Provisions in " this Act contained shall be made from Malt only, unmixed " with any unmalted Corn or Grain, and on which the Allow-

4 G. 4. c. 94.

“ance

6 G. 4. c. 80.

2 & 3 W. 4.
c. 29.

‘ “ance of One Shilling for every Gallon thereof shall be made
 ‘ “in respect of the Duty on such Malt, shall be stored and
 ‘ “deposited in some Store or Place separate and apart from any
 ‘ “other Spirits which shall be warehoused under this Act, and
 ‘ “subject to and under such Rules and Regulations as shall be
 ‘ “made by the Commissioners of Excise with respect to such
 ‘ “Spirits, and that no such Spirits so made from Malt only,
 ‘ “and on which such Allowance of One Shilling *per* Gallon
 ‘ “shall have been made, shall be taken out of any such Ware-
 ‘ “house, Store, or Place for Exportation to *England* until the
 ‘ “Allowance so made shall have been repaid by the Proprietor
 ‘ “or Exporter of such Spirits:” And whereas by the said Act
 ‘ of the Sixth Year of the Reign of His said Majesty King *George*
 ‘ the Fourth, it is provided and enacted, “that no Spirits which
 ‘ “shall be or shall have been made or distilled in *Scotland* or
 ‘ “*Ireland* respectively from unmalted Corn or Grain, mixed
 ‘ “or unmixed with Malt, shall be taken out of any Warehouse,
 ‘ “Store, or Place for Removal to *England* unless such Spirits
 ‘ “were made and warehoused by some Distiller having at the
 ‘ “Time when such Spirits were so made and warehoused no
 ‘ “Spirits made from Malt only, or on which any Allowance
 ‘ “shall be or shall have been made in respect of the Duty on
 ‘ “such Malt, in his or her Stock or Possession, or in such
 ‘ “Warehouse, and which shall be so certified by the proper
 ‘ “Officer at the Time of warehousing, and also at the Delivery
 ‘ “thereof, nor shall any Spirits made or distilled in *Scotland*
 ‘ “or *Ireland* from Malt only, or in respect of which any Allow-
 ‘ “ance as aforesaid has been or shall be made, paid, or received,
 ‘ “be removed to *England* until the Allowance so made shall
 ‘ “have been repaid by the Proprietor of such Spirits to the
 ‘ “Commissioners of Excise, or such Person as they shall order
 ‘ “or direct to receive the same; and if any Person or Persons
 ‘ “shall take out of any Warehouse, Store, or Place any Spirits
 ‘ “made from unmalted Corn or Grain, mixed or unmixed with
 ‘ “Malt, for such Removal, which were not made and ware-
 ‘ “housed by such Distiller as aforesaid, and shall not be so
 ‘ “certified as aforesaid, or shall remove any Spirits made from
 ‘ “Malt only, or on which any such Allowance as aforesaid has
 ‘ “been made or shall be made as aforesaid, to *England*, without
 ‘ “first repaying such Allowance thereon as aforesaid, all such
 ‘ “Spirits shall be forfeited, and shall and may be seized by
 ‘ “any Officer or Officers of Excise, and every Person so offend-
 ‘ “ing shall for every such Offence forfeit and lose the Sum of
 ‘ “Twenty Shillings *per* Gallon for every Gallon of such Spirits
 ‘ “so taken out or removed, or One hundred Pounds, at the
 ‘ “Election of the Commissioners of Excise or Person who shall
 ‘ “inform or sue for the same:” And whereas by an Act passed
 ‘ in the Second Year of the Reign of His said Majesty King
 ‘ *William* the Fourth, intituled *An Act to reduce the Allowance*
 ‘ *on Spirits made from Malt only in Scotland and Ireland*, such
 ‘ Allowance is reduced to Eight-pence for and upon every Gallon
 ‘ of Spirits at the Strength of Hydrometer Proof distilled from
 ‘ malted

malted Corn only in *Scotland* or *Ireland*: And whereas by an Act passed in the Second Session of the Fifth Year of the Reign of Her Majesty, intituled *An Act to impose an additional Duty on Spirits, and to repeal the Allowance on Spirits made from Malt only in Ireland*, it is enacted, "that no Spirits distilled in *Scotland* from unmalted Corn or Grain, mixed or unmixed with Malt, shall be taken out of any Warehouse for Removal to *Ireland* unless such Spirits were distilled and warehoused by some Distiller not having at the Time when such Spirits were distilled and warehoused any Spirits made from Malt only, or on which any Allowance shall be or shall have been made in respect of the Duty on Malt in his Stock or Possession, or in such Warehouse, and which shall be so certified by the proper Officer at the Time of warehousing and also at the Delivery thereof, nor shall any Spirits made from Malt only, or in respect of which any Allowance as aforesaid has been or shall be made, paid, or received, be taken out of Warehouse in *Scotland* for Removal to *Ireland* until the Allowance so made shall have been repaid by the Distiller to the Commissioners of Excise, or such Person as they shall order or direct to receive the same; and every Person who shall take out of any Warehouse in *Scotland* any Spirits made from unmalted Corn or Grain, mixed or unmixed with Malt, for Removal to *Ireland* which were not made and warehoused by such Distiller as aforesaid, and shall not be so certified as aforesaid, or shall take out of Warehouse for Removal, or remove, any Spirits made from Malt only, or on which any such Allowance as aforesaid has been made or shall be made, to *Ireland* without first repaying such Allowance thereon as aforesaid, shall forfeit Twenty Shillings *per* Gallon for every Gallon of such Spirits so taken out or removed, or One hundred Pounds, at the Election of the Commissioners of Excise, and all such Spirits shall also be forfeited:" Be it enacted, That so much of the before-recited Acts as requires that no Spirits made or distilled from Malt only, or in respect of which any Allowance as aforesaid has been made, paid, or received, shall be taken out of the Warehouse in *Scotland* for Exportation or Removal to *England* or *Ireland* until the Allowance so made has been repaid by the Distiller, Proprietor, or Exporter of such Spirits to the Commissioners of Excise, or such Person as they order or direct to receive the same, shall be repealed, and the same is and are hereby repealed accordingly.

VIII. And be it enacted, That Spirits which, under the Provisions of the Acts in force in such respect, have been distilled in *Scotland* from Malt only, unmixed with any unmalted Corn or Grain, and on which the Allowance of Eight-pence and Five *per Centum* for every Gallon thereof has been made, may be taken from the Warehouse in *Scotland* in which the same have been warehoused without Payment of the Duty, under the Regulations of the Acts in force in such respect, and of this Act, for Removal for Consumption in *England*, on Payment of the full Duty

5 & 6 Vict.
c. 15.

So much of recited Acts as requires Repayment of the Allowance on Malt Spirits removed from *Scotland* to *England* or *Ireland* repealed.

Malt Spirits may be removed from Warehouse in *Scotland* which have been warehoused without Payment of Duty, for Removal for Consumption in *England*, on Payment of full

English Duty,
and Repayment
of Allowance.

Duty of Excise payable on *British Spirits* distilled in *England* on such Spirits, as directed by the said Act of the Sixth Year of the Reign of His said Majesty *George* the Fourth (except so far as the same is repealed or altered by this Act), and on Repayment at the same Time of the Allowance made thereon by the Distiller or Proprietor of such Spirits to the Collector of Excise or other Person employed by the Commissioners of Excise to receive the said Duty.

Under certain
Regulations
and Condition
Spirits made
from Malt only
may be removed
from Scotland
to England or
Ireland, with-
out Repayment
of the Allow-
ance.

IX. And be it enacted, That Spirits which, under the Provisions of the Statutes in such respect in force, have been distilled in *Scotland* from Malt only, unmixed with any unmalted Corn or Grain, and on which the Allowance of Eight-pence and Five *per Centum* for every Gallon thereof has been made, may be removed to *England* or *Ireland* without Repayment of such Allowance if such Spirits have been warehoused under the Provisions, Enactments, Rules, and Regulations in force respecting the warehousing of Spirits without Payment of Duty, and in a separate and distinct Warehouse apart from all Spirits made from any other Materials than Malt only, and at a Time when no Spirits made from unmalted Corn or Grain, or any other Materials than Malt only, were in the Stock, Custody, or Possession of the Distiller by whom such Spirits were distilled and warehoused, which shall be certified by the proper Officer at the Time of warehousing such Spirits, by Endorsement on the Permit accompanying the same, and if such Spirits when removed to *England* or *Ireland* are taken direct from the Warehouse in which the same have been warehoused to a like Warehouse in *England* or *Ireland*, and by Sea, and in such Casks and Vessels as in this Act after mentioned, and with a proper Permit accompanying the same, and under such Security and Regulations as the Commissioners of Excise may order or make in that respect.

No raw Grain
Spirits to be
removed on the
same Day on
which Notice
has been given
to remove Malt
Spirits on which
the Allowance
has not been
repaid from
Warehouse.

X. And be it enacted, That no Spirits which have been made or distilled in *Scotland* from unmalted Corn or Grain, mixed or unmixed with Malt, or from any other Materials than Malt only, shall be removed by the Distiller thereof from his Distillery, or from any Warehouse in the same Town or Place, and on the same Day in and on which he has given Notice to remove Spirits made by him from Malt only, unmixed with any unmalted Corn or Grain, and on which the Allowance of Eight-pence and Five *per Centum* for every Gallon thereof has been made and not repaid, either for Exportation to Foreign Parts, or for Use as Ships Stores, or for Removal to *England* or *Ireland*, or for Removal to any other Warehouse, otherwise such Notice shall be void, and all Spirits removed contrary hereto shall be forfeited.

Malt Spirits on
which the Al-
lowance has not
been repaid
removed from
Warehouse
under the Pro-
visions of this

XI. And be it enacted, That all Spirits distilled in *Scotland* from Malt only unmixed with any unmalted Corn or Grain, on which the Allowance of Eight-pence and Five *per Centum* for every Gallon thereof has been made and not repaid, may be removed from any Warehouse in the United Kingdom in which the same have been deposited under the Provisions of the Acts
in

n that respect in force and of this Act for Exportation to Foreign Parts or for Use as Ships Stores, and upon such Spirits being duly removed from Warehouse by Permit to the Port of Shipment; and being duly exported or shipped there as Stores under and according to the Laws and Regulations of Customs in such respect, the Distiller or Proprietor of such Spirits shall be entitled to a Drawback of Seven-pence Halfpenny and Five *per Centum* for and on every Gallon of such Spirits actually exported or shipped as Stores as aforesaid, for and in respect of the Duty upon the Malt used in the Distillation of such Spirits over and above the Allowance aforesaid, upon a Certificate of the Quantity of the Spirits so exported or shipped being transmitted to the Collector of Excise at or nearest to the Port where such Spirits have been so exported or shipped from the proper Export Officer of Customs or Excise at such Port, such Certificate being endorsed by such Officer upon the Permit accompanying such Spirits on their Removal from Warehouse to the Ship; and every such Officer shall transmit such Certificate and Permit as aforesaid on the Request of the Distiller or Proprietor exporting or shipping such Spirits to such Collector as aforesaid, and every such Collector shall, on being satisfied of the Truth thereof, pay such Drawback as aforesaid to the Distiller or Proprietor of such Spirits: Provided always, that no Distiller or Proprietor of such Spirits shall be entitled to such Drawback unless such Spirits were deposited and kept in a separate and distinct Warehouse apart from all *British* Spirits made from any other Materials than Malt only until such Spirits were actually exported or shipped as Stores; and if any Distiller or Proprietor warehousing or removing such Spirits makes any Alteration in the Quality of such Spirits, by mixing Spirits made from Grain, or from any other Material than Malt, with Spirits made from Malt only, or by substituting Spirits of the one Quality for the other, he shall incur the Penalty of Two hundred Pounds over and above all other Penalties, and all such Spirits shall be forfeited; and in case any Doubt arises whether any such Spirits are really and *bonâ fide* Spirits made from Malt only as described in the Permit accompanying the same, on any Removal thereof Proof shall be made by the Distiller or Proprietor of such Spirits to the Satisfaction of the Commissioners of Excise that such Spirits are Spirits made from Malt only, and are such as the same are described to be in the Permit accompanying them, otherwise no such Drawback as aforesaid shall be paid for or in respect of such Spirits.

XII. And be it enacted, That when any Spirits distilled in *Scotland* from Malt only, unmixed with any unmalted Corn or Grain, and on which the Allowance of Eight-pence and Five *per Centum* for every Gallon thereof has been made, have been removed from a Warehouse in *Scotland* to a like Warehouse in *England* or *Ireland*, without Repayment of such Allowance under the Provisions of this Act, and of the Laws and Regulations in such respect, are taken out of such Warehouse for Home Consumption in *England* or *Ireland*, the aforesaid Allowance of

Act for Exportation, or to be used as Ships Stores, to be entitled to a Drawback of 7½d., and 5 per Cent. per Gallon at Proof, on the same being certified to be so exported or shipped by the proper Officer.

Spirits to be kept separate until exported or shipped, and Penalty on any Alteration in Quality thereof.

In case of Doubt, Proof that they are of the same Quality to lie on the Proprietor, otherwise no Drawback.

Allowance on Malt Spirits removed to *England* or *Ireland*, not repaid in *Scotland*, must be repaid on being taken out of Warehouse for Consumption in *England* or *Ireland*.

Eight-pence *per* Gallon and Five *per Centum* for every Gallon of such Spirits taken out as aforesaid shall be repaid by the Proprietor or Person requesting a Permit for the Removal of such Spirits into Consumption before any such Permit shall be granted.

Distillers in
England or
Ireland entitled
to the same
Allowance and
Drawback on
Spirits distilled
by them from
Malt only
under the same
Provisions as
in Scotland
when ware-
housed for Ex-
portation only,
or for Use as
Ships Stores.
2 & 3 W. 4. c. 29.
4 G. 4. c. 94.
7 & 8 G. 4. c. 52.

2 & 3 W. 4. c. 29.

XIII. And be it enacted, That every licensed Distiller in *England* or *Ireland* shall be entitled to the Allowance of Eight-pence *per* Gallon by the said Act of the Second Year of the Reign of His Majesty King *William* the Fourth granted, and Five *per Centum* for and upon every Gallon of Spirits, and so in proportion for any greater or less Quantity of Spirits of the Strength of Hydrometer Proof, and so in proportion for any greater or less Strength, distilled in *England* or *Ireland* for Exportation only, or for Use as Ships Stores, from malted Corn only, not being mixed with any unmalted Corn or Grain; provided such Spirits have been distilled under the several Provisions of the said Act of the Fourth Year of the Reign of His said Majesty King *George* the Fourth, and of an Act of the Seventh and Eighth Years of the Reign of His said Majesty King *George* the Fourth, intituled *An Act to consolidate and amend certain Laws relating to the Revenue of Excise on Malt made in the United Kingdom, and for amending the Laws relating to Brewers in Ireland, and to the Allowance in respect of the Malt Duty on Spirits made in Scotland and Ireland from Malt only*, and of the aforesaid Act of the Second Year of the Reign of His Majesty King *William* the Fourth, and of any other Act or Acts of Parliament in force respecting the Distillation of Spirits from Malt only in *Scotland*, and the Payment of the Allowance granted in respect thereof, and the Rules and Regulations made by the Commissioners of Excise in such respect, and such other Rules and Regulations as the said Commissioners think fit to make in respect of the Payment of the like Allowance on Spirits distilled in *England* or *Ireland* from Malt only, and for the preventing of Frauds in claiming the same; and all Spirits distilled in *England* or *Ireland* from Malt only, to be entitled to any such Allowance, shall be warehoused for Exportation only, or for Use as Ships Stores, within Six Days after the same have been distilled, and under the same Provisions, Rules, and Regulations as Spirits distilled from Malt only in *Scotland* are by any former Act in force, or by this Act, directed to be warehoused for Exportation only, or for Use as Ships Stores, and upon any such Spirits distilled in *England* or *Ireland* from Malt only, and so warehoused, being duly removed from Warehouse by Permit to the Port of Shipment, and being duly exported or shipped there as Stores under and according to the Laws and Regulations of Customs in such respect, the Distiller or Proprietor of such Spirits shall be entitled to the Drawback of Seven-pence Half-penny and Five *per Centum* by this Act granted for and on every Gallon of such Spirits actually exported or shipped as Stores as aforesaid; and such Drawback shall be paid over and above the Allowance aforesaid, and at the same or some different Time, as the said Commissioners may appoint, and upon like Certificate

Certificate of the Spirits having been exported or shipped, or upon Delivery of such Receipt, as in this Act after mentioned, for the Spirits, as deposited in a Warehouse of special Security, or in any Warehouse approved of by the Commissioners of Her Majesty's Customs, in like Manner as such Drawback is by this Act directed to be paid upon Spirits distilled in *Scotland* from Malt only when so exported or shipped or warehoused as aforesaid; and all Enactments, Regulations, Provisions, Pains, Penalties, and Forfeitures in the said Acts of the Fourth Year and of the Seventh and Eighth Years of the Reign of His said Majesty King *George* the Fourth, and of the said Act of the Second Year of the Reign of His said Majesty King *William* the Fourth, or of any or either of them, or of any other Act or Acts of Parliament in force, or of this Act, respecting the making or Use of Malt for the Distillation of Spirits from Malt only, or respecting the Distillation of such Spirits in *Scotland*, or the warehousing or Removal of the same for Exportation, or for Use as Ships Stores, or respecting the granting or Payment of the Allowance or Drawback granted in respect of Spirits distilled in *Scotland* from Malt only, or for the preventing of Frauds in claiming the same, shall be enforced, used, and applied to, and in and for the granting or Payment of the like Allowance or Drawback by this Act granted for and in respect of Spirits distilled in *England* or *Ireland* from Malt only, and for the preventing of Frauds in claiming the same, as fully and effectually to all Intents and Purposes as if such Enactments, Regulations, Provisions, Pains, Penalties, and Forfeitures had been at first applied, or were now re-enacted to apply to the making and Use of Malt for Distillation of Spirits from Malt only, and to the Distillation of such Spirits in *England* and *Ireland* respectively, and to the warehousing and Removal of the same for Exportation or for Use as Ships Stores, and to the granting and Payment of the Allowance and Drawback by this Act granted for or in respect of Spirits distilled in *England* and *Ireland* respectively from Malt only, and for the preventing of Frauds in claiming the same.

XIV. And be it enacted, That every Distiller, Rectifier, or Proprietor of any *British* Spirits distilled or made from any other Materials than Malt only, which have been duly warehoused in any Warehouse in the United Kingdom under the Provisions of the Acts in that respect in force, and of this Act, and which are duly removed from such Warehouse for Exportation, or for the Purpose of being used as Ships Stores, shall be entitled to a Drawback of One Penny and One Halfpenny for and on every Gallon at Proof of such Spirits actually exported or shipped as Stores as aforesaid, for and in respect of the Duty upon the Malt used in the Distillation of such Spirits or as an Equivalent in respect thereof; and such last-mentioned Drawback shall be paid upon like Certificate of Shipment, or Receipt in Warehouse, as in this Act after mentioned, and in like Manner (except as to the Proviso in respect of separate Warehouse)

Spirits made from any other Materials than Malt only entitled to a Drawback of 1½d. per Gallon on Exportation or Shipment as Stores.

Distiller may warehouse Spirits for Exportation, or for Ships Stores, in Warehouses under the Control of the Customs, and on Production of the Warehouse Keeper's Receipt such Spirits entitled to Drawback.

Warehouse) as the Drawback in respect of Spirits made from Malt only is by this Act directed to be paid, and under such further Regulations as the Commissioners of Excise may make in that respect.

XV. And be it enacted, That every licensed Distiller in *England, Scotland, or Ireland* may warehouse for Exportation, or for Ships Stores only, any Spirits distilled in the Distillery of such Distiller, without Payment of the Duty of Excise charged thereon, in any Warehouse of special Security (as the same is defined by the Laws relating to the Customs), or in any Warehouse approved of by the Commissioners of Her Majesty's Customs for that Purpose only in *England, Scotland, or Ireland* respectively, according to the Laws, Rules, and Regulations there in force for the warehousing of Goods in such Warehouse, and under and subject to the same Rules and Abatement on account of a Deficiency in the Quantity or Strength of such Spirits as are made in the Case of Spirits the Produce of any *British* Plantation in *America*, or the Produce of any *British* Possession within the Limits of the *East India* Company's Charter; and the proper Officer of Customs at such Warehouse shall give to the Distiller or Person requiring the same for the Use of such Distiller a Receipt for such Spirits, upon the same being duly removed by Permit from the Distillery to the Warehouse, and deposited in such Warehouse, specifying the Number of the different Casks, with their Gauge, and the Quantity and Strength of the Spirits contained in them, with the Day of the Month and Year when such Spirits were so warehoused, and any Mark which may have been put on such Casks by such Distiller for distinguishing the Spirits to be his Property, and such Receipt shall be delivered over within a reasonable Time by every such Distiller to the Officer of Excise in charge of the Distillery of such Distiller; and such last-mentioned Officer shall immediately give to such Distiller a Copy thereof, signed by such last-mentioned Officer, and upon the Delivery of such Receipt, and not before, it shall be lawful for such last-mentioned Officer to deduct from the Number of Gallons of Spirits with which such Distiller is then charged or chargeable with Duty the Number of Gallons so warehoused, and to return the Charge of Duty against the Distiller to the Collector of Excise for the remaining Number of Gallons, which shall be a Charge against such Distiller accordingly; and every such Officer shall annex to such Return such Receipt as his Voucher for having made such Deduction as aforesaid; and every Distiller or other Person producing such Receipt for Spirits so deposited which are entitled to any or either of the Drawbacks for or in respect of the Duty on the Malt used in the Distillation of such Spirits by this Act granted on such Spirits being actually exported or shipped as Stores, shall be entitled to such Drawback respectively as if such Spirits had been actually exported or shipped as aforesaid; and every Distiller or other Person producing a Receipt for any Spirits deposited as aforesaid which is untrue in
any

any of the Particulars therein mentioned shall incur the Penalty of Two hundred Pounds and double the Amount of the Draw-back claimed in respect thereof.

XVI. And be it enacted, That Spirits deposited in any Warehouse approved of by the Commissioners of Exoise in one Part or Place of the United Kingdom, without Payment of the Duty of Excise thereon, may be removed for Exportation, or for Ships Stores, to any Warehouse of special Security as aforesaid, or to any Warehouse approved of by the Commissioners of Her Majesty's Customs for that Purpose only, in any other Part or Place of the United Kingdom, under such Rules and Regulations as the Commissioners of Excise and Customs from Time to Time may appoint, the Duty upon all Deficiencies in such Spirits being first paid on Removal from the Excise Warehouse in which the same are deposited to the Collector of Excise of the Collection in which such last-mentioned Warehouse is situated.

XVII. And be it enacted, That every licensed Rectifier of Spirits in *England, Scotland, or Ireland* may warehouse for Exportation, or for Ships Stores, any Spirits by him rectified from Spirits on which the proper Duties of Excise have been paid or charged, in any Warehouse of special Security as aforesaid, or in any Warehouse approved of for that Purpose only by the Commissioners of Her Majesty's Customs in that Part of the United Kingdom in which such Spirits were rectified, such Spirits not being sweetened Spirits, or Spirits mixed with any Article, so that the Degree of Strength thereof cannot be ascertained by *Sykes'* Hydrometer, under the same Laws, Rules, and Regulations as Spirits the Produce of any *British* Plantation, or the Produce of any *British* Possession within the Limits of the *East India* Company's Charter, and under and subject to such further Regulations as the Commissioners of Excise and Customs may from Time to Time appoint; and if any Rectifier of Spirits so warehouses any Spirits on which the proper Duties of Excise have not been paid or charged, he shall incur the Penalty of Two hundred Pounds, and all such Spirits shall be forfeited.

XVIII. And be it enacted, That all Rectified Spirits so warehoused may be removed from one Warehousing Port in the United Kingdom to another for Exportation, or for Ships Stores only, subject to the Regulations of this Act, and to the Laws and Regulations of Customs relating to such Removals of Goods, and no such Spirits shall be admitted to Entry for Home Consumption.

XIX. And be it enacted, That Spirits distilled or rectified in *England, Scotland, or Ireland* may be shipped or carried, conveyed, or removed from *England* to *Scotland* or *Ireland*, or from *Scotland* to *England* or *Ireland*, or from *Ireland* to *England* or *Scotland*, under the Provisions of this Act, and of the said Act of the Sixth Year of the Reign of His said Majesty King *George* the Fourth, and of the said Act passed in the Second Session of the Fifth Year of the Reign of Her Majesty, in any Ship or Vessel duly registered or licensed under the Laws and

Spirits deposited in an Excise Warehouse may be removed to Warehouses under the Control of the Customs.

Rectifiers of Spirits may warehouse Rectified Spirits not sweetened for Exportation or Ships Stores, in Warehouses under the Control of the Customs.

Spirits so warehoused may be sent Coastwise for Exportation, or for Ships Stores only.

Spirits distilled or rectified in *England, Scotland, or Ireland* may be removed from one to the other in Ships duly registered and in Casks of 'Twenty Gallons at the least.

Regulations of Customs, and in any Cask containing Twenty Gallons of such Spirits at the least, any thing in the said Act of the Sixth Year of the Reign of His said Majesty King George the Fourth, or in any other Act or Acts of Parliament, to the contrary thereof notwithstanding.

Rectified Spirits warehoused to be not less than 22 per Cent. under Proof, nor more than 25 over Proof; or if Spirits of Wine, not less than 43 over Proof, and to be in Casks of not less than Twenty Gallons, and shall be accompanied by a Permit.

XX. And be it enacted, That all Rectified Spirits to be warehoused in such Warehouse of the Customs as aforesaid, other than Spirits of Wine, shall be of a Strength of not less than Twenty-two *per Centum* under Proof, nor more than Twenty-five *per Centum* over Proof, and if Spirits of Wine, shall be of a Strength not less than Forty-three *per Centum* over Proof, as denoted by the Hydrometer called *Sykes'* Hydrometer; and all Rectified Spirits to be so warehoused shall be contained in Iron-bound Casks, of not less than Twenty Gallons Content each, marked on each End of such Cask, in Letters or Figures legibly cut, branded, or painted thereon, with the Mark or Number of every such Cask, and with the full Content thereof in Gallons, and with the true Number of Gallons, and the true Strength of the Spirits contained therein, every such Cask being full at the Time of sending such Spirits from the Rectifying House to the Warehouse; and all such Spirits when so removed shall be accompanied with lawful Permit, otherwise the same shall be forfeited, and every Rectifier so removing such Spirits shall incur the Penalty of Two hundred Pounds over and above all other Penalties.

Such Spirits to be entered for Warehouse, and Officer of Customs to grant Receipt for the Spirits so warehoused, and transmit a Certificate thereof to the Collector of Excise, who, on Production of such Documents, is to pay the Rectifier a Drawback of the Duties on such Spirits.

XXI. And be it enacted, That before any such Rectified Spirits shall be received into any such Warehouse of the Customs as aforesaid, a Warehousing Entry for Exportation only shall be passed for the same, specifying the Particulars of such Spirits, as set forth on the Back of the Permit accompanying such Spirits, and the Name of the Rectifier, and of the Place where the Rectifying House is situated from which such Spirits were sent; and after such Spirits have been duly examined and warehoused by the proper Officer of Customs at such Warehouse, he shall deliver to the Rectifier warehousing such Spirits, or to any Person requiring the same for the Use of such Rectifier, a Receipt specifying the Marks, Number, and Content in Gallons of the several Casks received into such Warehouse, the Strength of each as ascertained by *Sykes'* Hydrometer, and the total Number of Gallons at Proof received with such Permit, and such Customs Officer shall forthwith despatch to the Collector of Excise of the Collection in which the Rectifying House from which such Spirits were sent is situated a Certificate, setting forth the Name of the Rectifier, and of the Place where such Rectifying House is situated, the Mark, Number, and Content in Gallons of the several Casks, the Strength of the Spirits in each, and the total Number of Gallons at Proof received with such Permit; and the Collector of Excise to whom such Certificate is sent shall, upon Production to him of the Receipt before mentioned, pay to the Rectifier whose Name is specified in such Certificate, or to any Person requiring the same in behalf of such Rectifier, a Drawback of the full Duties of Excise chargeable upon

upon Spirits of the like Quantity and Strength when taken at Proof as the Spirits so warehoused, and also the Drawback before mentioned of Three Halfpence for and on every Gallon at Proof of the Spirits so warehoused, as if such Spirits had been actually exported or shipped as Stores; and if any Rectifier or other Person, for the Purpose of obtaining any such Drawback, produces a false Receipt as and for the Receipt before mentioned, or any Receipt which is untrue in any of the Particulars therein specified, the Rectifier by or on whose Behalf such Receipt is produced shall incur the Penalty of Two hundred Pounds and of double the Amount of all Drawback claimed in respect thereof.

XXII. And be it enacted, That every Rectifier warehousing such Spirits may, on giving One Day's Notice to the Officer of Customs in charge of the Warehouse in which such Spirits are deposited, add to such Spirits any sweetening or colouring Matter, or any other Ingredient or Ingredients that he thinks proper, subject nevertheless to such Regulations and Restrictions as the Commissioners of Her Majesty's Customs may make from Time to Time; and no such Spirits, after any Matter or Ingredient has been added as aforesaid, shall be removed to any other Warehouse for Exportation or for Ships Stores, but must be removed for such Purpose directly from the Warehouse in which the same are then deposited on board the Vessel in which they are to be exported or used as Stores under the Laws and Regulations of the Customs.

Rectifiers warehousing such Spirits may, on giving Notice, add sweetening or colouring Matter to the same.

XXIII. ' And whereas by the said Act of the Fourth Year of the Reign of His said Majesty King *George* the Fourth it is provided, that the Strength to be expressed in any Permit to accompany Spirits sent out of or removed from the Distillery or Stock of a licensed Distiller in *Scotland* or *Ireland* shall be either Twenty-five *per Centum* over Proof, Eleven *per Centum* over Proof, or Ten *per Centum* under Proof, and that it shall not be lawful to warehouse any Spirits of any Strength other than the respective Strengths of Twenty-five *per Centum* over Proof, or Eleven *per Centum* over Proof, and there are like Provisions in the said Act of the Sixth Year of the Reign of His said Majesty King *George* the Fourth respecting licensed Distillers in *England*, and by such last-mentioned Act it is also provided that such Distillers in *England* shall not send out any Spirits from their Distillery or Stock in any less Quantity than in a Cask containing Eighty Gallons: And whereas it is expedient to amend such Laws in respect of Spirits of the Strength of Spirits of Wine: Be it enacted, That nothing in the said Acts or either of them respecting the Strength or Quantity at which Spirits may be removed from the Distillery or Stock of any Distiller, or may be warehoused by such Distiller as aforesaid, shall extend or be applied to Spirits of the Strength of Spirits of Wine, but that all *British* Spirits of that Strength may be sent out from the Distillery or Stock of any Distiller in *England*, *Scotland*, or *Ireland*, at the Strength of Forty-three *per Centum* above Proof, as denoted by the Hydro-

Spirits of the Strength of Spirits of Wine may be removed from Stock or warehoused by any Distiller in Casks of 20 Gallons at the least notwithstanding Provisions of 4 G. 4. c. 94. 6 G. 4. c. 80.

meter called *Sykes'* Hydrometer, or at any greater or higher Degree of Strength, in a Cask or Casks containing Twenty Gallons each at the least, for Home Consumption, or for Exportation, or for Use as Ships Stores, or may be warehoused for any such Purpose as aforesaid, in like Manner and under the same Laws, Regulations, Penalties, and Forfeitures as Spirits of the Strength before specified may be sent out, removed, or warehoused by the before-recited Acts or either of them, or by this Act, anything in the said recited Acts or either of them, or in any other Act, to the contrary thereof notwithstanding.

Penalty on Distiller, &c. fraudulently opening Warehouses, and gaining Access to Spirits.

If after Spirits have been deposited, and before Removal for Home Consumption, &c., they shall be fraudulently altered in Quality, &c. they shall, together with the Casks, be forfeited, and Owner to pay Double Duties.

The Word "Spirits" to include Spirit Mixtures, when Duty has not been paid on the Spirits from which they are manufactured.

XXIV. And be it enacted, That if any Distiller, Rectifier, or Proprietor of Spirits warehoused in any Warehouse approved of by the Commissioners of Excise under this Act, or the said Acts of the Fourth Year or of the Sixth Year of the Reign of His said Majesty King *George* the Fourth, or of the Sixth and Seventh Years of the Reign of His said Majesty King *William* the Fourth, does by any Means fraudulently open such Warehouse or gain Access to the Spirits contained therein, every such Distiller, Rectifier, or Proprietor shall incur the Penalty of Five hundred Pounds; and if after any such Spirits have been deposited in any such Warehouse, and before their actual Removal therefrom for Home Consumption or for Exportation, or for the Purpose of being shipped as Stores under the Regulations of the said Acts or any or either of them, such Spirits are altered in Quality, Quantity, or Strength, except from natural Causes, and otherwise than as provided by this Act or the said Acts, or any of them, or by the Rules and Regulations of the Commissioners of Excise in such respect, all such Spirits, and the Casks containing the same, shall be forfeited, and the Person in whose Name such Spirits are deposited shall forfeit, over and above all other Penalties, double the Amount of Duties chargeable on Spirits distilled in that Part of the United Kingdom in which such Spirits were deposited for and in respect of every Gallon of such Spirits as are abstracted contrary to this Act, or any of the said Acts, Rules, or Regulations.

XXV. And be it enacted and declared, That for the Purposes of this Act, and of all other Acts relating to the Revenue of Excise, the Word "Spirits" shall, in addition to the Denomination of Spirits of different Distillations now defined by Law, include and mean all Mixtures, Compounds, Preparations, or Commodities into the Manufacture of which Spirits enter as the Basis or principal Ingredient in all Cases in which the Duty of Excise has not been paid upon the Spirits from or with which such Mixtures, Compounds, Preparations, or Commodities have been manufactured.

XXVI. ' And whereas by an Act of the Eighth and Ninth Years of the Reign of Her Majesty, intituled *An Act for the general Regulation of the Customs*, it is enacted, "that no
' "Goods which are subject to any Regulations of Excise shall
' "be taken or delivered out of the Charge of the Officers of
' "Customs (although the same may have been duly entered
' "with them, and the full Duties due thereon may have been
' "paid.)

8 & 9 Vict. c. 86.

‘ “ paid,) until such Goods shall also have been duly entered
 ‘ “ with the Officers of Excise, and Permit granted by them for
 ‘ “ Delivery of the same, nor unless such Permit shall correspond
 ‘ “ in all Particulars with the Warrant of the Officers of Cus-
 ‘ “ toms: Provided always, that such Entry shall not be received
 ‘ “ by the Officers of the Excise, nor such Permit granted by
 ‘ “ them, until a Certificate shall have been produced to them
 ‘ “ of the Particulars of the Goods, and of the Warrant for the
 ‘ “ same, under the Hand of the Officers of the Customs who
 ‘ “ shall have the Charge of the Goods: Provided also, that if
 ‘ “ upon any Occasion it shall appear necessary, it shall be law-
 ‘ “ ful for the proper Officers of Excise to attend the Delivery
 ‘ “ of such Goods by the Officers of the Customs, and to require
 ‘ “ that such Goods shall be delivered only in their Presence;
 ‘ “ and it shall be lawful for such Officers of Excise to count,
 ‘ “ measure, gauge, or weigh any such Goods, and fully to
 ‘ “ examine the same, and to proceed in all respects relating
 ‘ “ to such Goods in such Manner as they shall be authorized or
 ‘ “ required by any Act for the Time being in force relating
 ‘ “ to the Excise:” And whereas it is expedient to repeal so
 ‘ much of the said Act as is before recited, and to enact other
 ‘ Regulations in lieu thereof:’ Be it enacted, That so much of
 the said Act as is before recited shall be and the same is hereby
 repealed; and that from and after the passing of this Act, before
 any Goods which are subject to any Regulations of Excise are
 removed from any Warehouse or Place in which they are depo-
 sited for Security of the Duties of Customs, the Party intending
 to remove the same shall, on making due Entry thereof for Home
 Consumption, deliver to the Collector and Comptroller of the
 Customs One Certificate or Duplicate of such original Entry in
 case the whole of the Goods included in such original Entry are
 intended to be removed into the Stock, Custody, or Possession
 of any One Party, or in case it be intended to remove such Goods
 into the Stock, Custody, or Possession of Two or more Parties,
 then the Party making such Entry shall deliver to the Collector
 and Comptroller Two or more Certificates or Duplicates, as the
 Case may require; and each Certificate or Duplicate shall con-
 tain such Particulars, and be arranged in such Form and Manner,
 as the Collector and Comptroller may require; and such Certi-
 ficate or Certificates, Duplicate or Duplicates, as the Case may
 be, shall be annexed to and retained with the original Entry,
 until Application be made for the Removal of such Goods,
 whereupon the proper Officer of Customs shall, in respect of
 such Removal, endorse on the Certificate or Duplicate relating
 thereto the Marks, Numbers, and Contents of the Casks and
 Packages so intended to be removed, and also, if any of such
 Packages contain Spirits, the Degree of Strength *per Centum*
 thereof; and the Party applying for such Removal shall endorse
 on the Certificate or Duplicate relating thereto the Name and
 Address of the Person to whom or into whose Stock, Custody,
 or Possession, such Goods are intended to be removed; and at
 the Time of the Delivery of such Goods for Removal the proper
 Officer

So much of Act
 8 & 9 Vict. c. 86.
 as is herein
 recited repealed,
 and after passing
 of this Act Goods
 subject to Excise
 Regulations to
 be removed from
 Customs Ware-
 house to the
 Purchaser, by
 Certificate en-
 dorsed by the
 proper Officer
 of Customs.

Officer of Customs shall endorse on such Certificate or Duplicate the Day and Hour of Delivery, and sign his Name thereto, and shall then deliver such Certificate or Duplicate to the Party applying for the Removal of such Goods, in order that the same may accompany such Goods into the Stock, Custody, or Possession of the Party whose Name and Address is endorsed on such Certificate; and no such Goods accompanied by such Certificate or Duplicate, on Removal thereof direct from the Warehouse to the Party whose Name and Address is endorsed on such Certificate or Duplicate, shall be liable to Seizure and Forfeiture, or the Party removing or receiving the same to any Penalty, for or by reason of such Goods not being accompanied by a Permit, provided such Goods be conveyed within a reasonable Time after the Date of the Delivery thereof direct from the Warehouse to or into the Stock, Custody, or Possession of the Party whose Name and Address is endorsed on such Certificate; and every Person removing or receiving such Goods with such Certificate accompanying the same as aforesaid, or removing or receiving the same without such Certificate, (except as to Spirits, so far as the same is provided for by another Act of this present Session of Parliament,) shall be subject and liable to the same Rules, Regulations, Penalties, and Forfeitures in respect of such Certificate as such Person is subject and liable to under and by virtue of any Act or Acts of Parliament relating to the Revenue of Excise, for or by reason of his removing or receiving the like Goods with a true and lawful Permit accompanying the same, or removing or receiving the same without such Permit.

Penalties and Forfeitures of this Act recoverable, and Drawbacks payable under the Laws of Excise.

XXVII. And be it enacted, That all Penalties and Forfeitures by this Act imposed and incurred shall be prosecuted, sued for, recovered, and applied as any other Penalties and Forfeitures incurred under or by virtue of the Acts of Parliament relating to the Revenue of Excise; and the Drawbacks by this Act granted shall be under the Management of the Commissioners of Excise, and shall be severally paid and accounted for as directed by this Act, and under the general or special Provisions, Clauses, Enactments, Penalties, and Forfeitures contained in any Act or Acts relating to the Collection and Management of the Revenue of Excise.

Former Provisions and Penalties of Customs or Excise respecting the warehousing or Removal of Spirits for Exportation or Ships Stores applied to this Act.

XXVIII. And be it enacted, That all Enactments, Regulations, Provisions, Pains, Penalties, and Forfeitures in any Act or Acts of Parliament relating to the Customs or Excise respecting the warehousing of Goods or Spirits, or the Removal thereof for Exportation, or for Ships Stores, shall, so far as the same are not repugnant to or inconsistent with the Provisions of this Act, be enforced, used, and applied to and for the Purposes of this Act, as fully and effectually to all Intents and Purposes as if such Enactments, Regulations, Provisions, Pains, Penalties, and Forfeitures had been particularly repeated and re-enacted in this Act.

Act may be amended, &c.

XXIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. CXXIII.

An Act to renew and amend an Act of the Tenth Year of Her present Majesty, for the more speedy Removal of certain Nuisances, and the Prevention of contagious and epidemic Diseases.

[4th September 1848.]

‘ WHEREAS an Act passed in the Tenth Year of Her Majesty’s Reign, for the more speedy Removal of certain Nuisances, and to enable the Privy Council to make Regulations for the Prevention of contagious and epidemic Diseases, will expire at the End of the present Session of Parliament; and it is necessary that other Provision should be made in lieu thereof:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

9 & 10 Vict.
c. 96.

in *England and Ireland*, upon Receipt (or as soon afterwards as can be) by the Town Council, or by any Trustees or Commissioners for the drainage, paving, lighting, or cleansing, or managing or directing the Police of any City, Town, Borough, or Place, or by any other Body of a like Nature, or by any Commissioners of Sewers or Guardians of the Poor, or in *Ireland* by the Officers of Health of any Parish, of a Notice in Writing in the Form contained in the Schedule (A.) to this Act annexed, or to the like Effect, signed by Two or more inhabitant Householders of the Parish or Place to which the Notice relates, stating that, to the best of the Knowledge and Belief of the Persons by whom such Notice is signed, any Dwelling House or Building in any City, Town, Borough, Parish, or Place within or over which the Jurisdiction or Authority of the Town Council, Trustees, Commissioners, Guardians, Officers of Health, or other Body to whom such Notice is given, extends, is in such a filthy and unwholesome Condition as to be a Nuisance to or injurious to the Health of any Person, or that upon any Premises within such Jurisdiction or Authority there is any foul and offensive Ditch, Gutter, Drain, Privy, Cesspool, or Ashpit, or any Ditch, Gutter, Drain, Privy, Cesspool, or Ashpit kept or constructed so as to be a Nuisance to or injurious to the Health of any Person, or that upon any such Premises Swine, or any Accumulation of Dung, Manure, Offal, Filth, Refuse, or other Matter or Thing, are or is kept so as to be a Nuisance to or injurious to the Health of any Person, or that upon any such Premises (being a Building used wholly or in part as a Dwelling House), or being Premises underneath any such Building, any Cattle or Animal are or is kept so as to be a Nuisance to or injurious to the Health of any Person, such Town Council, Trustees, Commissioners, Guardians, Officers of Health, or other Body, or some Committee thereof which may be temporarily or permanently appointed in this Behalf by such Town Council, Trustees, Commissioners, Guardians, Officers of Health, or other Body, shall,

In England and Ireland certain public Bodies, upon Receipt of Notice in Writing from Two Householders, of the filthy Condition of any Building, or of the Existence of certain Nuisances, to cause Examination to be made;

and if upon such Examination, or a Medical Certificate, it appear that the Nuisance, &c. exists, public Body to make Complaint before a Justice, who shall summon the Owner or Occupier to appear before Two Justices;

and who shall, upon Proof, &c., order him to whitewash, &c., or remove the Nuisance complained of;

and if such Order be not complied with, the Owner or Occupier in

shall, after Twenty-four Hours Notice in Writing, by delivering the same to some Person on the Premises referred to in such first-mentioned Notice, or (if there be no Person upon the Premises who can be so served) by fixing the same upon some conspicuous Part of such Premises, (or in case of Emergency without Notice,) by themselves, their Servants or Agents, with or without Medical or other Assistants, enter such Premises, and examine the same with respect to the Matters alleged in such first-mentioned Notice, and do all such Works, Matters, and Things as may be necessary for that Purpose; and if upon such Examination, or upon the Certificate in Writing of Two legally qualified Medical Practitioners, it appear that any Dwelling House or Building so examined is in such a filthy and unwholesome Condition as aforesaid, or that upon any Premises so examined there is any such Ditch, Gutter, Drain, Privy, Cesspool, Ashpit, Swine, Cattle, or Animal, or any such Accumulation or other Matter or Thing as aforesaid, such Town Council, Trustees, Commissioners, Guardians, Officers of Health, or other Body, or such Committee, shall make or cause to be made Complaint before a Justice, who shall thereupon issue a Summons (which may be according to the Form contained in the Schedule (B.) to this Act annexed, or to the like Effect,) requiring the Owner or Occupier of the Premises examined to appear before Two Justices to answer such Complaint; and such Summons shall be served by delivering the same, or a true Copy thereof, to some Person upon the Premises in respect whereof Complaint is made, or (if there be no Person upon the Premises who can be so served) by fixing such Summons or Copy upon some conspicuous Part of such Premises; and if at the Time and Place appointed by such Summons it be proved to the Satisfaction of such Justices that any Dwelling House or Building in respect whereof Complaint is made is in such a filthy and unwholesome Condition as aforesaid, or that any such Cause or Causes of Complaint as aforesaid exists or exist, and (in case such Owner or Occupier do not appear) that such Summons or Copy was served as aforesaid, such Justices shall make an Order in Writing under their Hands and Seals, (which Order may be according to the Form contained in the Schedule (C.) to this Act annexed, or to the like Effect,) for cleansing, whitewashing, or purifying such Dwelling House or Building, or for the Removal or Abatement of any such Cause or Causes of Complaint, in such Manner and within such Time as shall be specified in such Order (not being more than Two clear Days, exclusive of *Sunday*, after Service of such Order as herein-after directed); and such Order shall be forthwith served by delivering the same or a true Copy thereof to some Person upon the Premises in respect whereof it is made, or (in case there be no Person upon the Premises who can be so served) by fixing such Order or Copy upon some conspicuous Part of such Premises; and if such Order be not complied with the Owner or Occupier against whom it is made shall be liable to a Penalty not exceeding Ten Shillings for every Day during the Continuance of his Default, and the Town Council,

Council, Trustees, Commissioners, Guardians, Officers of Health, or other Body mentioned therein, shall, by themselves, their Servants or Agents, or by such Committee as aforesaid, their Servants or Agents, enter such last-mentioned Premises, and cleanse, whitewash, or purify the same, or remove or abate the Cause or Causes of Complaint in respect whereof the said Order shall have been made, and do all such Works, Matters, and Things as may be necessary for carrying such Order into effect; and any Dung, Manure, Offal, Filth, or Refuse, and any other Matter or Thing removed by any such Town Council, Trustees, Commissioners, Guardians, Officers of Health, or other Body as aforesaid, in pursuance of this Enactment, may be destroyed or sold, and in case of Sale the Proceeds arising therefrom shall be paid to or (as the Case may require) be retained by the Guardians of the Poor, and shall be by them applied in aid of the Rate for the Relief of the Poor of the Parish, Electoral Division, or Place in which such Removal shall have been made.

default to be liable to Penalties, and public Body to enter the Premises, and do the Works ordered, or remove the Nuisance.

II. And be it enacted, That in *Scotland*, upon or as soon as can be after Notice in Writing in the Form contained in the Schedule (A.) to this Act annexed, or to the like Effect, signed by Two or more of the inhabitant Householders of the Parish or Place to which the Notice relates, made to the Procurator Fiscal of any County, or the Procurator Fiscal or the Dean of Guild of any Royal Burgh, or the Procurator Fiscal of the Justices of the Peace of any County, or the Commissioners of Police or Trustees for paving, lighting, or cleansing any City, Town, Burgh, Parish, or Place, or the Inspector of the Poor of any Parish, stating that any Dwelling House or Building within any Royal Burgh, or in any City, Town, Burgh, Parish, or Place, within or over which the Jurisdiction or Authority of any such Procurator Fiscal, or of such Dean of Guild, or Commissioners of Police, or Trustees for paving, lighting, or cleansing, or Inspector of the Poor, extends, is in such a filthy and unwholesome Condition as to be a Nuisance to or injurious to the Health of any Person, or that upon any Premises within such Jurisdiction or Authority there is any foul and offensive Drain, Ditch, Gutter, Privy, Cesspool, or Ashpit, or any Drain, Ditch, Gutter, Privy, Cesspool, or Ashpit kept or constructed so as to be a Nuisance to or injurious to the Health of any Person, or that upon any such Premises Swine, or any Accumulation of Dung, Manure, Offal, Filth, Refuse, or other Matter or Thing, are or is kept so as to be a Nuisance to or injurious to the Health of any Person, or that upon any such Premises (being a Building used wholly or in part as a Dwelling House), or being Premises underneath any such Building, any Cattle or Animal are or is kept so as to be a Nuisance to or injurious to the Health of any Person, it shall be competent to any such Procurator Fiscal or Dean of Guild, or the proper Officer of such Commissioners of Police or Trustees, or such Inspector of the Poor respectively, after Twenty-four Hours from the giving Notice in Writing by Service thereof upon some Person on the Premises referred to in such first-mentioned Notice, or (if there

In Scotland certain public Officers, upon Receipt of Notice in Writing from Two Householders of the filthy Condition of any Building, or of the Existence of certain Nuisances, to cause Examination to be made;

and if upon such Examination, or a Medical Certificate, it appear that the Nuisance, &c. exists, public Body to make Complaint before the Sheriff or a Justice, who shall order the Owner or Occupier to appear;

and upon Proof, &c., whitewashing, &c. or Removal of the Nuisance complained of, to be ordered.

If such last-mentioned Order be not complied with, Owner or Occupier in default to be liable to Penalties, and the public Officers

be no Person upon the Premises who can be so served) by fixing the same upon some conspicuous Part of such Premises, or in case of Emergency without Notice, by himself or others acting under his Authority, with or without Medical or other Assistants, to enter such Premises, and examine the same with respect to the Matters alleged in such first-mentioned Notice, and do all such Works, Matters, and Things as may be necessary for that Purpose; and if upon such Examination, or upon the Certificate in Writing of Two legally qualified Medical Practitioners, it appear that any Dwelling House or Building so examined is in such a filthy and unwholesome Condition as aforesaid, or that upon any Premises so examined there is any such Drain, Ditch, Gutter, Privy, Cesspool, Ashpit, Swine, Cattle, or Animal, or any such Accumulation, or other Matter or Thing, as aforesaid, such Procurator Fiscal, Dean of Guild, Officer, or Inspector shall make or cause to be made Complaint to the Sheriff or Magistrates or a Justice, who shall thereupon order the Owner or Occupier of the Premises examined to appear before such Sheriff or Magistrates or Two Justices to answer such Complaint; and such Order shall be served by delivering the same, or a true Copy thereof, to some Person upon the Premises in respect whereof Complaint is made, or (if there be no Person upon the Premises who can be so served) by fixing such Order or Copy upon some conspicuous Part of such Premises: and if at the Time and Place appointed by such Order it be proved to the Satisfaction of such Sheriff or Magistrates or Justices that any Dwelling House or Building in respect whereof Complaint is made is in such a filthy and unwholesome Condition as aforesaid, or that any such Cause or Causes of Complaint as aforesaid exists or exist, and (in case such Owner or Occupier do not appear) that such Order or Copy was served as aforesaid, such Sheriff or Magistrates or Justices shall make an Order in Writing under their Hands (which Order may be according to the Form contained in the Schedule (C.) to this Act annexed, or to the like Effect,) for cleansing, whitewashing, or purifying such Dwelling House or Building, or for the Removal or Abatement of any such Cause or Causes of Complaint, in such Manner and within such Time as shall be specified in such Order (not being more than Two clear Days, exclusive of *Sunday*, after Service of such Order), and such last-mentioned Order shall be forthwith served by delivering the same, or a true Copy thereof, to some Person upon the Premises in respect whereof it is made, or, in case there be no Person upon the Premises who can be so served, by fixing such Order or Copy upon some conspicuous Part of such Premises; and if such Order be not complied with the Owner or Occupier against whom it is made shall be liable to a Penalty not exceeding Ten Shillings for every Day during the Continuance of his Default, and the Procurator Fiscal or Dean of Guild or proper Officer of the Commissioners of Police, or Trustees or Inspectors of the Poor respectively, shall, by themselves or others acting under their Authority, enter such last-mentioned Premises, and cleanse, whitewash, or purify

purify the same, or remove or abate the Cause or Causes of Complaint in respect whereof the said last-mentioned Order shall have been made, and do all such Works, Matters, and Things as may be necessary for carrying such Order into effect, and any Dung, Manure, Offal, Filth, or Refuse, and any other offensive or noxious Matter or Thing removed in pursuance of this Enactment, may be destroyed or sold, and in case of Sale the Proceeds arising therefrom shall be paid to or (as the Case may require) be retained by the Parochial Board for the Management of the Poor, and shall be by them applied in aid of the Funds for the Relief of the Poor of the Parish or Place in which such Removal shall have been made.

to enter Premises, and do the Works ordered, or remove the Nuisance.

III. And be it enacted, That whenever any such Order as aforesaid for cleansing, white-washing, or purifying any Dwelling House or Building, or for the Removal or Abatement of any such Cause or Causes of Complaint as aforesaid, has been obtained, all Costs and Expenses reasonably incurred in obtaining such Order, or in carrying the same into effect, shall be deemed to be Money paid for the Use and at the Request of the Owner or Occupier of the Premises in respect whereof such Costs and Expenses shall have been incurred, and may be recovered as such by the said Town Councils, Trustees, Commissioners, Guardians, Officers of Health, or other Body, or by the said Procurators Fiscal, Deans of Guild, Commissioners of Police, or Trustees and Inspectors of the Poor respectively, as such, in any County Court, Civil Bill Court, or (in *Scotland*) before the Sheriff or Magistrates or Justices of the Peace; or such Town Council, Magistrates, Trustees, Commissioners, Guardians, Officers of Health, or other Body, or Procurators Fiscal, Deans of Guild, or Inspectors of the Poor, may, if they shall think fit, recover such Costs and Expenses before Two Justices, or, in *Scotland*, before the Sheriff or Magistrates or Two Justices, from the Owner or Occupier of the Premises in respect of which such Order is made; and any Two Justices, or, in *Scotland*, the Sheriff or Magistrates or any Two Justices, upon the Application of any such Town Council, Magistrates, Trustees, Commissioners, Guardians, Officers of Health, or other Body, or Procurator Fiscal, Dean of Guild, or Inspector of the Poor, shall issue a Summons, or, in *Scotland*, an Order, requiring such Owner or Occupier to appear before them, or before him or them, at a Time and Place to be named therein; and at the Time and Place so named, upon Proof to the Satisfaction of such Justices, or such Sheriff or Magistrates or Justices, that any such Costs and Expenses have been so incurred as aforesaid, and (in case such Owner or Occupier do not appear) that a Copy of such last-mentioned Summons or Order was served by delivering the same to some Person on the Premises in respect of which the Costs and Expenses were incurred, or, if there be no Person upon the Premises who can be so served, by fixing the same upon some conspicuous Part of such Premises, such Justices, or such Sheriff or Magistrates or Justices, unless they think fit to excuse the Party summoned upon the Ground of Poverty or other special

Recovery of Costs, &c. from Owner or Occupier of the Premises.

special Circumstances, shall, by Order in Writing, in *England* or *Ireland* under the Hands and Seals of such Justices, or in *Scotland* under the Hands of such Sheriff or Magistrates or Justices, order him to pay the Amount to the Applicants, together with the Costs attending such Application and the Proceedings thereon; and if the Amount be not paid within Seven Days after Demand, the same may, by Warrant under the Hands and Seals of the same or any other Two Justices, or, in *Scotland*, under the Hands of the Sheriff or Magistrates or Justices, by whom the last-mentioned Order shall have been made, or any other Two Justices, be levied by Distress and Sale of the Goods and Chattels of the Owner or Occupier in default; and if no Distress sufficient to satisfy the same can be found within the Jurisdiction of the Justices, or of the Sheriff or Magistrates or Justices, by whom such Warrant shall have been issued, and it so appear upon Oath before Two Justices, or, in *Scotland*, before the Sheriff or Magistrates or Two Justices, of any other County or Jurisdiction in which any Goods or Chattels of the Defaulter may be, such last-mentioned Justices, or Sheriff or Magistrates or Justices, shall endorse their or his Signatures or Signature upon the last-mentioned Warrant, and thereupon the Amount to be levied, or so much thereof as may be unsatisfied, shall be levied of the last-mentioned Goods and Chattels, in the same Manner as if such Warrant had been originally and properly issued by the Justices, or by the Sheriff or Magistrates or Justices, of such last-mentioned County or Jurisdiction.

Certain Expenses of this Act to be defrayed out of Poor's Rates, &c.

IV. And be it enacted, That all Costs and Expenses reasonably incurred as aforesaid in carrying into effect any of the Provisions herein-before contained, and not recovered from any Owner or Occupier of the Premises in respect of which such Expenses shall have been incurred, shall, upon an Order in Writing, specifying the Sum to be paid, under the Hands and Seals of Two Justices, or, in *Scotland*, under the Hands of the Sheriff or Magistrates or Two Justices, (who are hereby required to make such Order, upon proper Application in this Behalf,) be retained, paid, or defrayed by the Treasurer of such Guardians or Parochial Board, or by the Overseers of the Poor, or other proper Officers or Persons, out of the Funds in their Hands applicable to the Relief of the Poor, and shall be charged to the Parish, Electoral Division, or Place maintaining its own Poor in which the Premises in respect whereof such Costs and Expenses shall have been so incurred are situated, and in other Places in *England* or *Ireland* out of any public Rates or Funds raised in such Places, or applicable thereto under the Authority of Parliament, or in case there be no such Rates or Funds as last aforesaid, then out of the Funds for the Relief of the Poor of the Parish, Electoral Division, or Place nearest adjoining, or if there be Two or more Parishes or Places nearest adjoining, out of the Funds for the Relief of the Poor of such One of them as Two Justices shall, by Order in Writing under their Hands and Seals, appoint: and in case any such Costs or Expenses shall have been incurred on account or in respect of any Parish in *Scotland* in which it shall

shall happen that there is not at the Time an Assessment for the Relief of the Poor imposed or levied, then the same shall be paid or defrayed out of an Assessment to be imposed and levied for that Purpose, and to the Extent necessary, under and in the Manner provided by an Act of the Ninth Year of Her Majesty's Reign, for the Amendment and better Administration of the Laws relating to the Relief of the Poor in *Scotland*, and if any such Treasurer, Overseers, or Officers or Persons, neglect or refuse to pay the Sum specified in any Order of Justices, or of any Sheriff or Magistrates, made under this Enactment, for the Space of Twenty-one Days after the Date of such Order, the same may, by Warrant under the Hands and Seals of the same or any other Two Justices, or, in *Scotland*, under the Hands of the Sheriff or Magistrates or any Two Justices, by whom such Order shall have been made, or any other Two Justices, be levied by Distress and Sale, together with the Costs of such Distress and Sale, of the Goods and Chattels of the Treasurer, Overseers, or other Officers or Persons in default.

8 & 9 Vict.
c. 83.

V. Provided always, and be it enacted, That nothing hereinbefore contained shall apply to any District, Parish, or Place in which the Public Health Act, 1848, or any Part thereof, shall be in force, unless and except in so far as the General Board of Health, by Order in Writing, sealed with the Seal of such Board, and signed by Two or more Members thereof, or (in case there be no such Board in existence) as One of Her Majesty's Principal Secretaries of State, by Order in Writing under his Hand, shall otherwise direct: Provided also, that nothing in this Act shall be construed to impair, abridge, or take away any Power, Jurisdiction, or Authority which may at any Time be vested in any Commissioners of Sewers, or to take away or interfere with any Course of Proceeding which might be resorted to or adopted by such Commissioners if this Act had not been passed.

Above Provisions not to apply to Districts and Places in which the Public Health Act is in force.

Jurisdiction of Commissioners of Sewers not to be impaired.

VI. ' And whereas by an Act passed in the Sixth Year of the ' Reign of King *William* the Fourth, for consolidating and ' amending the Laws relating to Highways in *England*, the ' Surveyor and District Surveyor or Assistant Surveyor therein ' mentioned are empowered to scour, cleanse, and keep open all ' Ditches, Gutters, Drains, or Watercourses; and by an Act ' passed in the Ninth Year of Her Majesty's Reign, for amending ' the Laws concerning Highways, Bridges, and Ferries in *Scotland*, the Trustees or Surveyors therein mentioned are empowered to cleanse the Ditches made or to be made along the ' Sides of any Highway, in case of the Neglect or Refusal of ' the Proprietor or Occupier to cleanse such Ditches when duly ' required so to do by such Trustees or Surveyors; and with a ' view to the more effectual Removal of Nuisances injurious to ' Health it is expedient that such Surveyor, District Surveyor, ' or Assistant Surveyor, Trustees or Surveyors, should not only ' be empowered but required to scour, cleanse, and keep clear, ' or cause to be scoured, cleansed, and kept clear, as far as may ' be practicable, all open Ditches, Gutters, Drains, and Water-

Surveyor of Highways required to cleanse open Ditches adjoining Highways, &c.
5 & 6 W. 4.
c. 50.
8 & 9 Vict.
c. 41.

‘ courses, upon, adjoining, or by or along the Sides of any Highway :’ Be it therefore enacted, That the said Surveyor, or District or Assistant Surveyor, Trustees or Surveyors, shall scour, cleanse, and keep clear, or cause to be scoured, cleansed, and kept clear, as far as may be practicable, all open Ditches, Gutters, Drains, and Watercourses upon, adjoining, or by or along the Sides of any Highway ; and any Sewage, Drainage, Soil, Filth, or other Matter or Thing whatsoever which shall be removed by any such Surveyor, District or Assistant Surveyor, Trustees or Surveyors, from any such Ditch, Gutter, Drain, or Watercourse, in scouring, cleansing, and keeping clear the same shall be disposed of by such Surveyor, Assistant or District Surveyor, Trustees or Surveyors, and the Proceeds arising therefrom shall be applied towards the Repair of the Highway within the Parish or Place in which such Removal shall have taken place : and the Provisions herein-before contained with respect to Ditches, Gutters, Drains, and Watercourses upon, adjoining, or by or along the Sides of Highways, shall, in so far as the same relate to *England*, be deemed to be Part of the said Act relating to Highways in *England*, and in so far as the same relate to *Scotland* shall be deemed to be Part of the said Act relating to Highways in *Scotland*.

Drainage into open Ditches from new Houses a Misdemeanor, &c.

VII. And be it enacted, That whosoever shall suffer any Sewage, Drainage, Soil, Filth, or any Matter or Thing of a noxious or offensive Nature, to run or flow into or to remain in any open Ditch, Gutter, Drain, or Watercourse, so as to be a Nuisance to or injurious to the Health of any Person, from any Dwelling House, Building, or other Premises which shall not have been occupied before the passing of this Act, or from any Privy or Watercloset which shall not have been constructed before that Time, shall be deemed guilty of a Misdemeanor, or in *Scotland* of an Offence punishable by Fine or Imprisonment, and shall, in addition, be liable for every such Offence to a Penalty not exceeding Five Pounds for every Day during which the Offence is continued.

Notice to be given to General Board of Health, and in Ireland to Commissioners of Health, of Intention to build or open certain Hospitals, &c.

VIII. And be it enacted, That whenever it is intended to build or open any Hospital for the Reception of Patients afflicted with contagious or infectious Diseases or Disorders, the Trustees or other Persons by whose Authority such Hospital is intended so to be built or opened as aforesaid shall give Notice of such Intention to the said General Board of Health or (in *Ireland*) to the Commissioners of Health herein-after mentioned ; and no such Hospital shall be built or opened as aforesaid until the said General Board of Health or Commissioners of Health, as the Case may be, have approved thereof in Writing ; but nothing herein contained shall apply to the building or opening of any Addition to a Building which shall have been used as a Hospital previously to such Addition.

Privy Council, &c. empowered to issue Orders for putting in force the Pro-

IX. ‘ And whereas it is expedient that when any Part of the United Kingdom shall appear to be threatened with or affected by any formidable epidemic, endemic, or contagious Disease, Measures of Precaution should be taken with Promptitude. ‘ according

‘ according to the Exigency of the Case:’ Be it therefore enacted, That in *Great Britain* the Lords and others of Her Majesty’s Most Honourable Privy Council, or any Three or more of them, (the Lord President of the Council, or One of Her Majesty’s Principal Secretaries of State, being One,) and in *Ireland* the Lord Lieutenant or other Chief Governor or Governors and Privy Council of *Ireland*, may, by Order or Orders to be by them from Time to Time made, direct that the Provisions herein-after contained for the Prevention of epidemic, endemic, and contagious Diseases be put in force in *Great Britain* and *Ireland* respectively, or in such Parts thereof or in such Places therein respectively as in such Order or Orders respectively may be expressed, and may from Time to Time, as to all or any of the Parts or Places to which any such Order or Orders may extend, and in like Manner, revoke or renew any such Order, and, subject to Revocation and Renewal as aforesaid, every such Order shall be in force for Six Calendar Months, or for such shorter Period as in such Order shall be expressed.

visions of this Act relative to the Prevention of epidemic Diseases, &c.

X. And be it enacted, That from Time to Time, after the issuing of any such Order as last aforesaid, and whilst the same shall continue in force, the General Board of Health (in *Great Britain*), under the Seal of the said Board, and the Hands of Two or more Members thereof, and in *Ireland* the Commissioners of Health for the Time being, under the Hands of Two or more of them, may issue such Directions and Regulations as the said Board or last-mentioned Commissioners (as the Case may be) shall think fit for the Prevention, as far as possible, or Mitigation, of such epidemic, endemic, or contagious Diseases, and from Time to Time, in like Manner, revoke, renew, and alter any such Directions or Regulations, or substitute such new Directions and Regulations as to the said Board or last-mentioned Commissioners may appear expedient; and the said Board or last-mentioned Commissioners, as the Case may be, may by such Directions and Regulations provide for the frequent and effectual cleansing of Streets and public Ways and Places by the Surveyors, District or Assistant Surveyors of Highways, Trustees, County Surveyors, and others by Law intrusted with the Care and Management thereof, or by the Owners and Occupiers of Houses and Tenements adjoining thereto, and for the cleansing, purifying, ventilating, and disinfecting of Houses, Dwellings, Churches, Buildings, and Places of Assembly, by the Owners or Occupiers and Persons having the Care and ordering thereof, for the Removal of Nuisances, for the speedy Interment of the Dead, and generally for preventing or mitigating such epidemic, endemic, or contagious Diseases, in such Manner as to the said Board or last-mentioned Commissioners (as the Case may be) may seem expedient; and the said Board or last-mentioned Commissioners may by any such Directions and Regulations authorize and require the Guardians of the Poor in *England* and *Ireland*, and the Parochial Boards for the Management of the Poor in *Scotland*, by themselves or their Officers, or any Persons employed by them in the Administration of the Laws for the

After Order by Privy Council, General Board of Health, &c. may issue Directions and Regulations.

Relief of the Poor, or by Officers specially appointed in this Behalf to superintend and see to the Execution of any such Directions and Regulations, and (where it shall appear that there may be Default or Delay in the Execution thereof, by Want or Neglect of such Surveyors, Trustees, or others intrusted as aforesaid, or by reason of Poverty of Occupiers, or otherwise,) to execute or aid in executing the same within their respective Unions and Parishes and Combinations, and in any extra-parochial Places adjoining to or surrounded by the same in which the Directions and Regulations of the said Board or last-mentioned Commissioners shall not be executed by the Inhabitants, and to provide for the dispensing of Medicines, and for affording to Persons afflicted by or threatened with such epidemic, endemic, or contagious Diseases such Medical Aid as may be required, and to do and provide all such Acts, Matters, and Things as may be necessary for superintending or aiding in the Execution of such Directions and Regulations or for executing the same, as the Case may require; and the Directions and Regulations to be issued as aforesaid shall extend to all Parts or Places in which the Provisions of this Act for the Prevention of epidemic, endemic, or contagious Diseases shall for the Time being be put in force under such Orders as aforesaid, unless such Directions and Regulations shall be expressly confined to some of such Parts or Places, and then to such Parts or Places as in such Directions and Regulations shall be specified, and (subject to the Power of Revocation and Alteration herein contained) shall continue in force so long as the said Provisions of this Act shall be in force, under such Orders, in the Parts or Places to which such Directions and Regulations shall under this Provision extend: Provided always, that if at any Time in *Ireland* there shall not be any Commissioners of Health the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by his or their Warrants, may appoint so many Persons as he or they may think fit, not being more in Number than Five, to act as Commissioners of Health in *Ireland*, without Salary, Fee, or Reward, and may from Time to Time remove any of such Commissioners, and appoint any other Person in his Stead; and such Commissioners shall for all Purposes be Commissioners of Health in *Ireland* within the Meaning and for the Purposes of this Act.

One Medical Member of General Board of Health may be appointed.

Treasury to pay Allowances appointed by Parliament.

XI. And be it enacted, That Her Majesty may from Time to Time, during the Continuance of any Order of Her Majesty's Privy Council or of any Members thereof, as aforesaid, by Warrant under the Royal Sign Manual, appoint, in addition to the Members for the Time being of the General Board of Health, One fit Person to be a Medical Member of such Board for the Purposes of this Act, and Her Majesty may, at Her Pleasure, remove any Person so appointed; and there shall be paid to the Person or Persons so appointed such Allowance or Allowances as shall be appointed by the Commissioners of Her Majesty's Treasury, out of any Monies which may from Time to Time be appointed by Parliament for that Purpose.

XII. And

XII. And be it enacted, That the Commissioners for administering the Laws for the Relief of the Poor in *England* and *Ireland* respectively, and the Board of Supervision established under the said Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in *Scotland*, may require the Officers and Persons acting under them to inquire into, superintend, and report on the Execution of the Directions and Regulations of the General Board of Health, or Commissioners of Health, as the Case may be, under this Act, and shall have the same Powers for enforcing and directing the Execution of such Directions and Regulations by the said Guardians and Parochial Boards respectively as they now or may hereafter have in relation to any Matter concerning the Administration of the Laws for the Relief of the Poor.

Poor Law Commissioners, &c. may compel Guardians, &c. to execute Regulations and Directions of the General Board of Health, &c.

XIII. And be it enacted, That the said Guardians and Parochial Boards acting in the Execution of any such Directions or Regulations as aforesaid, or the Officers or Persons by them in this Behalf authorized, at reasonable Times in the Daytime, may and they are hereby empowered to enter and inspect any Dwelling or Place, if there be Ground for believing that any Person may have recently died of any such epidemic, endemic, or contagious Disease in any such Dwelling or Place, or that there is any Filth or other Matter dangerous to Health therein or thereupon, or that Necessity may otherwise exist for executing, in relation to the Premises, all or any of such Directions and Regulations as aforesaid.

Power of Entry for the Purpose of enforcing Regulations of the General Board of Health, &c.

XIV. And be it enacted, That the said Guardians and Parochial Boards may appoint or employ, for the Superintendence and Execution of the said Directions and Regulations, Officers or Persons in aid of the Officers or Persons employed in the Administration of the Laws for the Relief of the Poor; and such Guardians and Parochial Boards respectively shall defray the Expenses incurred by them respectively in the Superintendence and Execution of such Directions and Regulations out of the Funds of their respective Unions, Parishes, or Combinations; and if any such Expenses shall have been incurred on account or in respect of any Extra-parochial Place in *England* or *Ireland*, the same shall, upon an Order in Writing specifying the Sum to be paid, under the Hands and Seals of Two Justices, who are hereby empowered to make such Order, upon proper Application in this Behalf, be paid or defrayed out of any public Rates or Funds raised therein or applicable thereto under the Authority of Parliament, or in case there be no such Rates or Funds as last aforesaid, then out of the Funds of the Union or Parish for which the Guardians by whom the Expenses have been incurred act; and in case any such Expenses shall have been incurred on account or in respect of any Parish in *Scotland* in which it shall happen that there is not at the Time an Assessment for the Relief of the Poor imposed or levied, then the same shall be paid or defrayed out of an Assessment to be imposed and levied for that Purpose, and to the Extent necessary, under and in the Manner provided by the said Act for the Amend-

Expenses of Guardians, &c. to be paid out of Poor Rate, &c.

8 & 9 Vict.
c. 83.

ment and better Administration of the Laws relating to the Relief of the Poor in *Scotland*.

Orders, Directions, and Regulations to be laid before Parliament, and to be gazetted, &c.

XV. And be it enacted, That every Order of Her Majesty's Privy Council, or of the Lord Lieutenant and Privy Council of *Ireland*, and every Direction and Regulation of the said General Board of Health or Commissioners of Health under this Act, shall, forthwith upon the issuing thereof, be laid before both Houses of Parliament, if Parliament be then sitting, and if not then within Fourteen Days next after the Commencement of the then next Session of Parliament; and every such Order of Her Majesty's Privy Council, or any Members thereof, as aforesaid, shall be certified under the Hand of the Clerk in Ordinary of Her Majesty's Privy Council, and shall be published in the *London Gazette*, and every such Order of the Lord Lieutenant and Privy Council of *Ireland* shall be certified under the Hand of One of the Clerks of the Privy Council of *Ireland*, and shall be published in the *Dublin Gazette*; and every such Direction and Regulation as aforesaid when issued in *Great Britain* shall be published in the *London Gazette* and in the *Edinburgh Gazette*, and when issued in *Ireland* in the *Dublin Gazette*, and such Publication of any such Order, Direction, or Regulation shall be conclusive Evidence of the Order, Direction, or Regulation so published, to all Intents and Purposes.

Penalties for obstructing Execution of this Act.

XVI. And be it enacted, That whosoever shall wilfully obstruct any Person acting under the Authority or employed in the Execution of this Act, or who shall wilfully violate any Direction or Regulation issued by the General Board of Health, or such Commissioners of Health as aforesaid, under this Act, shall be liable for every such Offence to a Penalty not exceeding Five Pounds; and if the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, any Justice, or in *Scotland* the Sheriff or any Justice, to whom Application is made in this Behalf, shall by Order in Writing (which may be according to the Form contained in the Schedule (D.) to this Act annexed, or to the like Effect,) require such Occupier to permit the Execution of the Works required to be executed, provided that such Works appear to such Sheriff or Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Refusal.

Recovery of Penalties in England or Ireland,

XVII. And be it enacted, That Penalties imposed by this Act for Offences committed in *England* or *Ireland* may be recovered by any Person before any Two Justices, and may be levied by Distress and Sale of the Goods and Chattels of the Offender, together with the Costs of such Distress and Sale, by Warrant under the Hands and Seals of the Justices before whom the same shall be recovered, or any other Two Justices; and in case it shall appear to the Satisfaction of such Justices before

before or after the issuing of such Warrant, either by the Confession of the Offender or otherwise, that he hath not Goods and Chattels within their Jurisdiction sufficient to satisfy the Amount, they may commit him to any Gaol or House of Correction for any Time not exceeding Fourteen Days, unless the Amount be sooner paid, in the same Manner as if a Warrant of Distress had issued and a Return of Nulla bona been made thereon; and Penalties imposed by this Act for Offences in *Scotland* may be recovered by the Procurator Fiscal of the Court, or by any other Person, before the Sheriff or Two Justices, who may proceed in a summary Way, and grant Warrant for bringing the Parties complained upon immediately before him or them, and on Proof on Oath by One or more credible Witness or Witnesses, or other legal Evidence, he or they may forthwith determine and give Judgment, without any written Pleadings or Record of Evidence, and grant Warrant for the Recovery of the Penalties and Expenses decerned for, and failing Payment within Eight Days after Conviction, by Poinding, and Imprisonment for a Period, at the Discretion of the Sheriff or Justices, not exceeding Fourteen Days; and all Penalties whatsoever recovered under this Act shall be paid to or (as the Case may require) be retained by the Guardians of the Poor, or, in *Scotland*, the Parochial Board for the Management of the Poor, and shall be by them applied in aid of the Rates or Funds for the Relief of the Poor of the Parish, Electoral Division, or Place in which the Penalties may have been incurred.

and in Scotland.

Application of Penalties.

XVIII. And be it enacted, That in case of any Demand or Complaint under this Act to which Two or more Owners or Occupiers of Premises may be jointly answerable, it shall be sufficient to proceed against any One or more of them, without in any Manner proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Contribution in any Case in which they would now be entitled to Contribution by Law.

One or more of several joint Owners or Occupiers may be proceeded against alone.

XIX. And be it enacted, That wherever in any Proceeding under this Act, whether written or otherwise, it shall become necessary to mention or refer to the Owner or Occupier of any Premises, it shall be sufficient to designate him as the "Owner" or "Occupier" of such Premises, without Name or further Description.

Unnecessary to describe Owner or Occupier by Name in certain Cases.

XX. And be it enacted, That no Order, nor any other Proceeding, Matter, or Thing done or transacted in or relating to the Execution of this Act, shall be vacated, quashed, or set aside for Want of Form, or be removed or removable by Certiorari, or by Suspension or Advocation, or other Writ or Process whatsoever, into any of the Superior Courts.

Proceedings not to be quashed for Want of Form.

XXI. And be it enacted, That all Proceedings whatsoever commenced or taken or to be commenced or taken under the said first-recited Act of the Tenth Year of Her Majesty's Reign, and which shall not have been completed and enforced, whilst the last-mentioned Act continues in force, may be proceeded

Proceedings commenced under 9 & 10 Vict. c. 96. may be enforced, although that

Act has expired.

with and enforced under the Provisions of that Act, although such Provisions be no longer in force, in the same Manner in all respects and to all Intents and Purposes as if the same continued to be in force, and as if the said last-mentioned Act had not expired.

Interpretation of Terms.

XXII. And be it enacted, That in this Act the following Words and Expressions shall have the Meanings herein-after assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,) the Words "Justice" and "Justices" shall mean a Justice or Justices of the Peace acting for the Place where the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of the "Justice" or "Justices" arises; the Expression "Two Justices" shall mean Two or more Justices assembled and acting together, or One Stipendiary or Police Magistrate acting in any Police Court for the Place in which the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of "Two Justices," arises; the Word "Sheriff" shall mean the Sheriff of any County or Place in *Scotland* where the Matter requiring the Cognizance of the "Sheriff" arises, and shall include the Sheriff Substitute; the Word "Magistrates" shall mean the Magistrates of any Royal Burgh in *Scotland* where the Matter requiring Cognizance arises; the Words "Guardians of the Poor" and the Words "Parochial Board" shall mean the Guardians, Directors, Wardens, Governors, Parochial Board, or other like Officers having the Management of the Poor for any Union, Parish, Combination, or Place where the Matter requiring the Cognizance of any such Officers arises; the Word "Street" shall include every Highway, Road, Square, Row, Lane, Mews, Court, Alley, and Passage, whether a Thoroughfare or not; the Word "Owner" shall mean any Person receiving the Rents of the Property in respect of which that Word is used from the Occupier of such Property, on his own Account, or as Trustee or Agent for any other Person, or who would receive the same if such Property were let to a Tenant; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Corporations, whether aggregate or sole; and Words and Expressions importing the Singular Number shall include the Plural Number, and Words importing the Masculine Gender shall include Females.

Mode of citing this Act.

XXIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Words "The Nuisances Removal and Diseases Prevention Act, 1848."

Act may be amended, &c.

XXIV. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Notice by Householders.

To the Town Council of the Borough of [or
 Guardians of the Poor of the Union or of the
 Parish of in the County of or
as the Case may be ; or, in Scotland, to the Procurator Fiscal
 of the County of or to the Procurator
 Fiscal or Dean of Guild of the Burgh of or to
 the Procurator Fiscal of the Justices of the County of
 or to the Inspector of the Poor of the Parish of
or as the Case may be].

WE, the undersigned Inhabitants [or, in Scotland,
 Householders] of [insert the Parish or Place], and
 residing at in [insert the Parish or Place before
mentioned] aforesaid, do hereby give you Notice, that to the
 best of our Knowledge and Belief a Dwelling House [or Build-
 ing] situate at No. in Street in
 aforesaid [or such other Description as may be sufficient to identify
the Premises] is in such a filthy and unwholesome Condition as
 to be a Nuisance to [or injurious to the Health of] A.B., or as
the Case may be, [or that upon certain Premises situate at [insert-
ing such a Description as may be sufficient to identify the Premises]
 there is a foul and offensive Drain, Ditch, Gutter, Privy, Cess-
 pool, or Ashpit, or a Drain, &c., kept or constructed so as to be
 a Nuisance to us, or to the Occupiers of the Premises adjoining
 the Premises aforesaid, or as the Case may be, or that upon
 certain Premises situate at, &c., Swine, or an Accumulation of
 Dung, Manure, Offal, Filth, Refuse, or Matter, or, as the Case
 may be, are or is kept so as to be injurious to our Health, or to
 the Health of A.B., or of the Occupiers of the Premises adjoin-
 ing the Premises aforesaid, or of Persons living in the Neigh-
 bourhood, or of the Persons living in the Premises aforesaid, as
 the Case may be, or that upon certain Premises, &c., Swine, &c.
 are kept so as to be a Nuisance to us, &c., as the Case may be].
 And we hereby required that you will cause such Proceedings
 to be taken as are directed in this Behalf by the "Nuisances
 Removal and Diseases Prevention Act, 1848."

Dated this
 eight hundred and

Day of

One thousand

A.B.

C.D.

SCHEDULE (B.)

Summons to appear.

To the Owner [*or Occupier*] of a Dwelling House [*or Building, or of certain Premises,*] situate at [*insert such a Description as may be sufficient to identify the Premises*].

County of
[*or Borough, &c. of*
or Metropolitan Police Dis-
trict, or as the Case may be]
to wit.

WHEREAS Complaint hath been made to the undersigned, One of Her Majesty's Justices of the Peace acting in and for the said County of

[*or Borough, &c. of*], *or* One of the Magistrates of the Police Courts of the Metropolis holden at [*or as the Case may be*], by the Town Council of [*the Borough of* [*or as the Case may be*], that a certain Dwelling House [*or Building*] situate at No. in the Parish of [*or as the Case may be*] in the County of

[*or such other Description as may be sufficient to identify the Premises*] is in such a filthy and unwholesome Condition as to be a Nuisance to *or* injurious to the Health of A.B., *or as the Case may be*, [*or that upon certain Premises situate at* [*inserting such a Description as may be sufficient to identify the Premises*] there is a foul and offensive Drain, [*Ditch, Gutter, Privy, Cesspool, or Ashpit, or a Drain, &c., kept or constructed so as to be a Nuisance to A.B., &c.,* [*as the Case may be,*] *or that Swine* [*or an Accumulation of Dung, Manure, Offal, Filth, Refuse, or Matter, or as the Case may be,*] are [*or is*] kept so as to be injurious to the Health of A.B., *or of the Occupiers of the Premises adjoining the Premises aforesaid, or of Persons living in the Neighbourhood of the Premises aforesaid, or of Persons living in the Premises aforesaid, or a Nuisance to A.B., &c., as the Case may be*]. These are therefore to require you to appear before Two of Her Majesty's Justices of the Peace [*or One of the Magistrates of the Police Courts of the Metropolis*] at the Court holden at] on the Day of next, at the Hour of to answer the Matter of the said Complaint.

Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and

J.K. (L.S.)

SCHEDULE (C.)

Order for Removal of Nuisances, &c.

To the Owner [*or Occupier*] of the Dwelling House [*or Building or Premises*] situate at No. in the Parish of in the County of [*or such other Description as may be sufficient to identify the Premises*], and to the Town Council of the Borough of [*or to the Guardians of the Poor of the* Union. *or*

or of the Parish of _____ in the County of _____
or, in Scotland, the Procurator Fiscal of the County of _____
or the Procurator Fiscal or Dean of Guild of
the Burgh of _____ *or the Procurator Fiscal of the*
Justices of the Peace of the County of _____ *or the*
Inspector of the Poor of the Parish of _____ *as the*
Case may be], and to their Servants or Agents, and to all
whom it may concern.

County of _____, } WHEREAS on the _____ Day of
[*or Borough, &c. of* _____, }
or Metropolitan Police Dis- } last Complaint was made
trict, or as the Case may be } before the undersigned [*or before J.K.*
to wit. } Esquire, one of Her Majesty's Justices
of the Peace acting in and for the County of _____ [*or*
before the undersigned, *or J.K. Esquire*, one of the Magistrates
of the Police Courts of the Metropolis, *or as the Case may be,*]
by the Town Council of the Borough of _____ [*or by*
the Guardians of the Poor of the _____ Union, *or of the*
Parish of _____ in the County of _____; *or, in*
Scotland, by the Procurator Fiscal of the County of _____
or by the Procurator Fiscal or Dean of Guild of the Burgh
of _____ *or by the Procurator Fiscal of the Justices of*
the Peace of the County of _____ *or by the Inspector*
of the Poor of the Parish of _____ *as the Case may*
be], that a Dwelling House [*or Building*] situate at No. _____
in _____ Street in [*the Parish or Place before mentioned*
aforesaid, [*or such other Description as may be sufficient to iden-*
tify the Premises,] then was in such a filthy and unwholesome
Condition as to be a Nuisance [*or injurious to the Health of*]
A.B., or as the Case may be, [*or that upon certain Premises*
situate at [*inserting such a Description as may be sufficient to*
identify the Premises] there then was a foul and offensive Drain
[Ditch, Gutter, Privy, Cesspool, *or Ashpit, or a Drain, &c.* kept
or constructed so as to be a Nuisance to A.B., &c., as the Case
may be], *or that upon certain Premises, situate, &c., Swine, or*
an Accumulation of Dung, Manure, Offal, Filth, or Refuse, or
as the Case may be, are *or is* kept so as to be injurious to the
Health of *A.B., or of the Occupiers of the Premises adjoining*
the Premises first aforesaid, *or of Persons living in the Neigh-*
bourhood of the Premises first aforesaid, or of Persons living
in the Premises first aforesaid, *or so as to be a Nuisance to A.B.*
&c.: And whereas the Owner [*or Occupier*] of the said Dwel-
ling House, Building, or Premises having this Day appeared
before us, Two of Her Majesty's Justices of the Peace acting
in and for the County [*or Borough*] of [*or before me, one of the*
Magistrates of the Police Courts of the Metropolis, *or, in Scot-*
land, before the Sheriff *or Magistrates or Two Justices of the*
Peace, *as the Case may be*], to answer the Matter of the said
Complaint [*or in case the Party charged do not appear,* And
whereas it hath this Day been proved to our [*or my*] Satis-
faction, that a true Copy of a Summons requiring the Owner
[*or Occupier*] of the said Dwelling House [*or Building or*
Premises] to appear this Day before us [*or me*] has been duly
served

served according to the Statute in such Case made and provided], and it having been proved [*or also proved, as the Case may require,*] that the said Dwelling House [*or Building*] is in such a filthy and unwholesome Condition as aforesaid [*or that upon the Premises aforesaid [or first aforesaid] there is a foal and offensive Drain [Privy, Cesspool, or Ashpit, or a Drain, &c. kept or constructed so as to be a Nuisance to A. B., &c., as the Case may be], or that upon the Premises aforesaid, or first aforesaid, an Accumulation of Dung, Manure, Offal, Filth, or Refuse, or as the Case may be, is kept, or a Pigsty exists, so as to be injurious to Health as aforesaid, or so as to be a Nuisance to A. B., &c., as the Case may be*]: We [*or I*] do hereby, in pursuance of the Statute in such Case made and provided, order the said Owner [*or Occupier*] of the said Dwelling House [*or Building, or Premises, or first-mentioned Premises* within

Hours from the Service of this Order [*or a true Copy thereof*], according to the Statute in such Case made and provided, to cleanse [*whitewash or purify*] the said Dwelling House [*or to cleanse, cover, or fill up, or as the Case may require, the said Drain, [Ditch, Gutter, Privy, Cesspool, or Ashpit, or otherwise as the Case may require] or remove the said Pigsty or Accumulation of Dung, Offal, Filth, Refuse, or Matter, as the Case may be, so that the same shall not be injurious to Health, or a Nuisance, as aforesaid*]; and if this Order be not complied with, then we [*or I*] authorize and require you the said Town Council [*or Guardians of the Poor, or, in Scotland, the Procurator Fiscal of the County of* *or the Procurator Fiscal or Dean of Guild of the Burgh of* *or the Procurator of the Justices of the Peace of the County of* *or the Inspector of the Poor of the Parish of* *as the Case may be*] to enter upon the said

Dwelling House, [*or Building, or Premises, or first-mentioned Premises,*] and to do all such Works, Matters, and Things as may be necessary for carrying this Order into effect, according to the Statute in such Case made and provided.

And for your so doing this shall be your sufficient Warrant. Given under our Hands and Seals [*or my Hand and Seal, or, in Scotland, our Hands, or my Hand*], this *Day* of *One thousand eight hundred and*

Signatures. { *(L.S.)*
 (L.S.)

* [*In Scotland without Seals.*]

SCHEDULE (D.)

Order to permit Execution of Works by Owners.

County of [<i>or Borough, or Burgh, or Metropolitan Police Dis- trict, or as the Case may be</i>] to wit. of	}	WHEREAS Complaint hath been made to me, <i>E. F. Esquire</i> , One of Her Majesty's Justices of the Peace in and for the County [<i>or Borough, &c.</i>] [<i>or One of the Magistrates of the Police Courts</i>]
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Courts of the Metropolis, *or as the Case may be, or, in Scotland,* to me, *G. H.*, Sheriff, *or One of Her Majesty's Justices of the Peace, as the Case may be,* of the County of _____], by *A. B.*, Owner within the Meaning of the "Nuisances Removal and Diseases Prevention Act, 1848," of certain Premises, to wit, a Dwelling House [*or Building, or as the Case may be*], situate [*insert such a Description of the Premises as may be sufficient to identify them*], in the Parish of _____ in the said County [*or Borough, &c.*], that *C. D.*, the Occupier of the said Premises, doth prevent the said *A. B.* from obeying and carrying into effect the Provisions of the said Act, in this, to wit, that he the said *C. D.* doth prevent the said *A. B.* from [*here describe the Works generally according to the Circumstances; for instance, thus: cleansing or whitewashing or purifying the said Dwelling House, [or Building,] or cleansing a foul and offensive Drain [Ditch, Gutter, Privy, Cesspool, or Ashpit] which exists upon the said Premises, or as the Case may require*]: And whereas the said *C. D.* having been summoned to answer the said Complaint, and not having shown sufficient Cause against the same, and it appearing to me that the said Works are necessary for the Purpose of enabling the said *A. B.* to obey and carry into effect the Provisions of the said Act, I do hereby order that the said *C. D.* do permit the said *A. B.* to execute the same in the Manner required by the said Act.

Given under my Hand and Seal [*or, in Scotland, under my Hand*], this _____ Day of _____ in the Year of our Lord One thousand eight hundred and _____

E. F. (L.S.)*

* [*In Scotland without Seal.*]

CAP. CXXIV.

An Act to amend an Act of the last Session, for varying the Priorities of the Charges made on "The London Bridge Approaches Fund," and to facilitate the Completion of certain Improvements in the City of *Westminster*. [4th September 1848.]

‘ WHEREAS by an Act of Parliament passed in the Fourth
 ‘ Year of the Reign of Her present Majesty, intituled
 ‘ *An Act to enable Her Majesty's Commissioners of Woods to* 4 & 5 Vict. c. 12.
 ‘ *make a new Street from Coventry Street, Piccadilly, to Long*
 ‘ *Acre, and for other Improvements in the Metropolis,* the Com-
 ‘ missioners of Her Majesty's Woods, Forests, Land Revenues,
 ‘ Works, and Buildings (herein-after designated "The Com-
 ‘ missioners of Her Majesty's Woods") were empowered, with
 ‘ the Consent and Approbation of the Lord High Treasurer or
 ‘ the Commissioners of Her Majesty's Treasury, or any Three or
 ‘ more of them, from Time to Time, as the said Commissioners
 ‘ should think proper, to apply out of a certain Sum of Two
 ‘ hundred and fourteen thousand Pounds which the said Com-
 ‘ missioners

5 & 6 Vict. c. 64.

8 & 9 Vict.
c. clxxviii.

' missioners of Her Majesty's Woods were thereby authorized
 ' to charge on certain Funds therein specified (commonly and
 ' herein-after called The *London Bridge Approaches Fund*), in
 ' case they, the said last-mentioned Commissioners, should be
 ' empowered by any Act of Parliament to form a Communication
 ' between the Neighbourhood of the Houses of Parliament and
 ' that of *Buckingham Palace*, or in case any Trustees or Persons
 ' should by any such Act or Acts as aforesaid be authorized to
 ' form such Communication, then to advance and pay to such
 ' Trustees or Persons, any Sum or Sums, not exceeding Thirty-
 ' nine thousand Pounds, towards the Expense of forming such
 ' Communication : And whereas by an Act of Parliament passed
 ' in the Session held in the Fifth and Sixth Years of Her pre-
 ' sent Majesty, intituled *An Act for regulating the Priorities of*
 ' *Monies authorized to be charged on a Fund called The London*
 ' *Bridge Approaches Fund*, the said Sum of Two hundred and
 ' fourteen thousand Pounds, which the said Commissioners of
 ' Her Majesty's Woods were so as aforesaid authorized to charge,
 ' was reduced to the Sum of One hundred and eighty-nine
 ' thousand Pounds, out of which last-mentioned Sum the afore-
 ' said Sum of Thirty-nine thousand Pounds continued payable:
 ' And whereas the said last-mentioned Commissioners have in
 ' pursuance of Directions in that Behalf in the last-recited Act
 ' contained, by an Instrument in Writing under their Common
 ' Seal, dated the Thirtieth Day of *July* One thousand eight
 ' hundred and forty-four, charged the aforesaid Funds, com-
 ' monly called The *London Bridge Approaches Fund*, with the
 ' Payment to them of the Three annual Sums of Two hundred
 ' thousand Pounds, One hundred thousand Pounds, and One
 ' hundred and eighty-nine thousand Pounds, with Interest
 ' thereon at the Rate of Five *per Centum per Annum* from the
 ' Days therein respectively mentioned : And whereas by the
 ' *Westminster Improvement Act*, 1845, certain Persons thereby
 ' incorporated, under the Name and Style of the *Westminster*
 ' *Improvement Commissioners*, were authorized, as therein men-
 ' tioned, to make and complete a new Street and Communication
 ' between the Neighbourhood of the Houses of Parliament and
 ' that of *Buckingham Palace* (being with certain Modifications
 ' the Street now in course of Formation and intended to be
 ' called *Victoria Street*); and it was by the Act now in recital
 ' enacted, that the aforesaid Sum of Thirty-nine thousand
 ' Pounds, which by the said first-recited Act the said Com-
 ' missioners of Her Majesty's Woods, with such Consent as
 ' aforesaid, were empowered to appropriate and apply towards
 ' the Expenses of forming a Communication between the
 ' Neighbourhood of the Houses of Parliament and *Buckingham*
 ' *Palace* should be appropriated and applied towards the Ex-
 ' penses of making, forming, and completing the new Street
 ' and Communication by the Act now in recital authorized to
 ' be made, provided such new Street and Communication were
 ' made and fully completed according to the Plan modified and
 ' approved by Her Majesty's Commissioners of Metropolitan
 ' Improve-

‘ Improvements within Five Years after the passing of the Act
 ‘ now in recital; and that it should be lawful for the said
 ‘ Commissioners of Her Majesty’s Woods, and they were
 ‘ thereby empowered, with the Consent of the Lord High
 ‘ Treasurer or the Commissioners of Her Majesty’s Treasury,
 ‘ or any Three or more of them, to pay to the Commissioners
 ‘ acting under the Act now in recital the said Sum of Thirty-
 ‘ nine thousand Pounds, or the proportionate Part thereof, from
 ‘ Time to Time, with Interest thereon at Five Pounds *per*
 ‘ *Centum per Annum* from the said Tenth Day of *May* One
 ‘ thousand eight hundred and forty-one, by and out of the
 ‘ before-mentioned Sum of One hundred and eighty-nine thou-
 ‘ sand Pounds, and the Interest thereof so charged by them, the
 ‘ said Commissioners of Her Majesty’s Woods, pursuant to the
 ‘ said recited Act of the Fifth and Sixth Years of Her Majesty’s
 ‘ Reign as aforesaid, as and when the said Commissioners should
 ‘ receive the said Sum of One hundred and eighty-nine thousand
 ‘ Pounds, and the Interest thereof or any Part thereof, or by
 ‘ and out of any Monies which might be from Time to Time
 ‘ borrowed or raised by them, the said last-mentioned Commis-
 ‘ sioners, in anticipation and on the Credit of the said Sum of
 ‘ One hundred and eighty-nine thousand Pounds, and the Inte-
 ‘ rest thereof or any Part thereof: Provided always, that the
 ‘ Monies to be paid to the Commissioners under the Act now in
 ‘ recital in respect of the said Sum of Thirty-nine thousand
 ‘ Pounds and Interest should not exceed in the whole the Sum
 ‘ of Fifty thousand Pounds, with Interest at the Rate aforesaid
 ‘ upon the Sum of Fifty thousand Pounds, or on so much thereof
 ‘ as should from Time to Time remain unpaid, to be calculated
 ‘ from the Time of the Completion of the new Street and
 ‘ Communication thereby authorized to be made (such Com-
 ‘ pletion to be certified as therein-after mentioned) to the Time
 ‘ when the said Sum of Fifty thousand Pounds should be fully
 ‘ paid: Provided also, that the said Sum of Thirty-nine thou-
 ‘ sand Pounds, and the Interest thereof, should not be raised and
 ‘ paid in priority to any other Sums authorized to be appro-
 ‘ priated and applied out of the said Sum of One hundred and
 ‘ eighty-nine thousand Pounds, and the Interest thereof, but all
 ‘ the Sums authorized to be appropriated and applied out of the
 ‘ said Sum of One hundred and eighty-nine thousand Pounds,
 ‘ and the Interest thereof, should be raised and paid in equal
 ‘ Degree and in rateable Proportions: Provided also, that no
 ‘ Part of the said Sum of Thirty-nine thousand Pounds, or the
 ‘ Interest thereof, should be paid to the Commissioners under
 ‘ the Act now in recital until the new Street and Communi-
 ‘ cation thereby authorized to be made should have been actually
 ‘ made and completed to the Satisfaction of the Lord High
 ‘ Treasurer or the Commissioners of Her Majesty’s Treasury
 ‘ for the Time being, to be certified by Warrant under their
 ‘ Hands, or the Hands of any Three of them: And whereas by 10 & 11 Vict.
 ‘ the *Westminster Improvement Act*, 1847, certain Alterations c. cxxxi.
 ‘ and Modifications were made in the Plans of the said intended
 ‘ new

' new Street as by the said *Westminster Improvement Act*, 1845,
 ' authorized to be made; and it was also by the Act now in
 ' recital enacted, that the Proviso in the said last-recited Act
 ' contained, that no Part of the said Sum of Thirty-nine thou-
 ' sand Pounds, or the Interest thereof, should be paid to the
 ' Commissioners under the said Act until the new Street and
 ' Communication thereby authorized to be made should have
 ' been actually made and completed to the Satisfaction of the
 ' Lord High Treasurer or the Commissioners for the Time
 ' being of Her Majesty's Treasury, should be repealed: Pro-
 ' vided always, that no Part of the said Sum of Thirty-nine
 ' thousand Pounds, or the Interest thereof, should be paid to
 ' the said last-mentioned Commissioners before and until they
 ' should have expended the full Sum of Seventy-five thousand
 ' Pounds solely and exclusively in making and forming the new
 ' Street intended to be called *Victoria Street*, and in purchasing
 ' the Lands and Hereditaments within the Area of the Line of
 ' the said Street (and as little beyond such Area as the Boun-
 ' daries of the respective Properties would allow) necessary or
 ' convenient for that Purpose, and in Payment of Expenses
 ' strictly and exclusively contingent upon such Purchases, not
 ' exceeding Twelve Pounds *per Centum* on the Sums expended,
 ' and should have produced Evidence of the due Expenditure of
 ' the said Sum of Seventy-five thousand Pounds to the Satisfac-
 ' tion of the Commissioners of Her Majesty's Woods, to be
 ' certified in Writing under the Hands of any Two of them,
 ' and should have also deposited and left with the said last-
 ' mentioned Commissioners the Deeds of Conveyance and Mu-
 ' niments of Title relating to the Lands and Hereditaments
 ' purchased with the said Sum of Seventy-five thousand Pounds
 ' or any Part thereof, such Deeds and Muniments of Title to
 ' be held and retained by the said last-mentioned Commissioners
 ' until the said Street intended to be called *Victoria Street*
 ' should have been wholly completed and opened to the Public
 ' to the Satisfaction of Her Majesty's said Commissioners in the
 ' Manner mentioned or provided in and by the said *West-*
 ' *minster Improvement Act*, 1845, of and concerning the Street
 ' thereby authorized to be made: And whereas by an Act of
 ' Parliament passed in the Session held in the Tenth and
 ' Eleventh Years of Her present Majesty, intituled *An Act to*
 ' *vary the Priorities of the Charges made on the London Bridge*
 ' *Approaches Fund*, it was amongst other things enacted, that
 ' the Commissioners of Her Majesty's Woods should, by and
 ' out of any Monies which should be raised by them on the
 ' Credit of all or any of the Charges so made by them as afore-
 ' said on the said Fund, commonly called *The London Bridge*
 ' *Approaches Fund*, or out of any Monies which should from
 ' Time to Time be received by them out of or in respect of the
 ' same Fund, pay to the *Westminster Improvement Commis-*
 ' *sioners* the said Sum of Thirty-nine thousand Pounds and
 ' Interest, not exceeding in the whole the Sum of Fifty thousand
 ' Pounds, and in preference to any other Objects to which such
 ' Monies

‘ Monies were applicable under the Provisions of the Acts authorizing such Charges, and other Acts therein referred to, and notwithstanding anything in the same Acts or any of them contained; provided nevertheless, that it should not be lawful for the said Commissioners of Her Majesty’s Woods to make any such Payment unless and until they should be satisfied, by the Production of such Vouchers, or otherwise as they should require, that the *Westminster Improvement Commissioners* had expended the Sum of Seventy-five thousand Pounds at the least towards the opening of the new Thoroughfare, to be called *Victoria Street*, and so as such Expenditure were shown to have been made in respect of the procuring the Land for the Area of the Street, or as near thereto as in the Opinion of the said Commissioners of Her Majesty’s Woods the Boundaries of the Properties to be purchased would allow, and of the Payment of Expenses relating to such Purchases, not exceeding Twelve Pounds *per Centum* on the Amount of the Purchase Monies, and so as such Expenditure were shown to have been made out of Monies belonging to the said *Westminster Improvement Commissioners*, or Monies raised by a Charge on the surplus Profits to arise on the Completion of the said Undertaking, or otherwise on the Credit of the Bonds or Debentures of the said last-named Commissioners, and so as no Part thereof should consist of Monies raised by means of any Charge on the said Sum of Thirty-nine thousand Pounds and Interest so to be advanced to the said *Westminster Improvement Commissioners* as aforesaid, or on the Monies by the said *Westminster Improvement Act*, 1847, authorized to be paid to the said Improvement Commissioners out of or in respect of certain increased Rates therein mentioned; and it was by the Act now in recital further enacted, that before any Part of the said Sum of Fifty thousand Pounds should be paid to the *Westminster Improvement Commissioners* the said *Westminster Improvement Commissioners* should deposit with the Commissioners of Her Majesty’s Woods for the Time being the Conveyances of all the Lands and Hereditaments which should have been purchased by the said *Westminster Improvement Commissioners*, under the Provisions of the said Acts, with the before-mentioned Sum of Seventy-five thousand Pounds, and all the Title Deeds relating thereto which should be in their Possession, and also should be bound from Time to Time, until the said Street should have been formed and paved or macadamized throughout, and opened as a public Thoroughfare, and the necessary Vaults and Sewers completed to the Satisfaction of Her Majesty’s said Commissioners, to deposit in like Manner the Conveyances of any other Lands or Hereditaments which should be acquired by them under the Powers or in the Execution of the said *Westminster Improvement Act*, 1845, and the *Westminster Improvement Act*, 1847, and all the Title Deeds relating thereto which should be in their Possession, such Deeds to remain with the said Commissioners of Her Majesty’s Woods for the Time being until the said Street,

[No. 68. Price 2d.] 3 Y ‘ Vaults,

‘ Vaults, and Sewers should have been completed and opened a
 ‘ aforesaid, and as a Security for the Completion and opening
 ‘ thereof within Four Years from the passing of the Act now in
 ‘ recital; and that on the Completion and opening of the said
 ‘ Street, and Completion of the Vaults and Sewers within such
 ‘ Period as aforesaid, the same should be delivered up to the
 ‘ said *Westminster* Improvement Commissioners, freed and dis-
 ‘ charged from such Security; but in case the said Street, Vaults
 ‘ and Sewers should not have been so opened and completed a
 ‘ aforesaid within such Time as aforesaid, then it was thereby
 ‘ enacted, that it should be lawful for the said Commissioners
 ‘ of Her Majesty’s Woods for the Time being, at any Time
 ‘ thereafter, at their sole Discretion, to levy and raise the Sum
 ‘ of Fifty thousand Pounds, or so much thereof as should have
 ‘ been advanced by them as aforesaid to the *Westminster* Im-
 ‘ provement Commissioners, together with Interest on the
 ‘ Amount of the Monies advanced, after the Rate of Five
 ‘ Pounds *per Centum per Annum* from the Time of advancing
 ‘ the same, by Sale or Mortgage of all or any Part of the
 ‘ Lands and Hereditaments which should have been purchased
 ‘ by the said *Westminster* Improvement Commissioners, and the
 ‘ Conveyances whereof should have been so deposited as afore-
 ‘ said; and that for the Purpose of such Security the said Com-
 ‘ missioners of Her Majesty’s Woods for the Time being should
 ‘ be taken to have the first Charge on the Lands and Here-
 ‘ ditaments so conveyed to the *Westminster* Improvement Com-
 ‘ missioners, and the Title Deeds relating to which should have
 ‘ been deposited as aforesaid, and should hold the same freed
 ‘ from all Estate or Interest or Claim of the *Westminster* Im-
 ‘ provement Commissioners, and all Persons claiming under
 ‘ them; and that, subject to the making and paying the said
 ‘ Monies so advanced as aforesaid, and such Interest as afore-
 ‘ said, and to the Payment of the Costs and Expenses relating
 ‘ to raising the same, the said Lands and Hereditaments, or the
 ‘ unsold Part thereof, should (subject nevertheless to any Mort-
 ‘ gage which might have been made under the aforesaid Power)
 ‘ be freed and discharged from such Charge or Lien as aforesaid
 ‘ in all respects as if such Deposit had not been made; and any
 ‘ Surplus to arise on any Sale, after answering the Purpose
 ‘ aforesaid, should be paid to the said *Westminster* Improvement
 ‘ Commissioners; and it was by the Act now in recital further
 ‘ enacted, that if and when the Commissioners of Her Majesty’s
 ‘ Woods should have been satisfied that the full Sum of Seventy-
 ‘ five thousand Pounds had been expended as aforesaid, towards
 ‘ purchasing the Area of and forming the said Street and Works
 ‘ the said last-named Commissioners should not have at their
 ‘ Disposal Monies sufficient to pay to the said *Westminster* Im-
 ‘ provement Commissioners the said Sum of Fifty thousand
 ‘ Pounds so by the Act now in recital authorized to be paid to
 ‘ them as aforesaid, then and thenceforth Interest after the Rate
 ‘ of Five Pounds *per Centum per Annum* should be paid by the
 ‘ said Commissioners of Her Majesty’s Woods to the *Westminster*
 ‘ Improve-

‘ Improvement Commissioners on the said Sum of Fifty thousand Pounds, or on so much as should remain unpaid, from the Time at which the said Commissioners of Her Majesty’s Woods should be satisfied that the said Sum of Seventy-five thousand Pounds had been expended as aforesaid up to the Time at which the said Sum of Fifty thousand Pounds, or the unpaid Part thereof, should be paid, and that such Interest should be raised and paid in all respects as the said Sum of Fifty thousand Pounds was authorized to be raised and paid by the Act now in recital; but in case the said *Westminster Improvement Commissioners* should borrow the Sum of Fifty thousand Pounds, or any Part thereof, on the Security or Credit of the said Sum of Fifty thousand Pounds thereby directed to be paid to them, and should pay for the Monies borrowed a Rate of Interest lower than the Rate of Five Pounds *per Centum per Annum*, then only the Rate of Interest which should be paid by the *Westminster Improvement Commissioners* in respect of the Principal Monies so borrowed should be paid by the Commissioners of Her Majesty’s Woods in respect of the said Sum of Fifty thousand Pounds, or so much thereof as should remain unpaid: And whereas previously to the passing of the said *Westminster Improvement Act*, 1847, the said Commissioners of Her Majesty’s Woods caused an Estimate to be made of the probable Expense of purchasing the Area of and of opening the said Street, to be called *Victoria Street*, and it was then estimated that the Purchase Money for the whole Area would amount to the Sum of One hundred and twenty thousand Pounds, the Expenses of the Purchase to the Sum of Fifteen thousand Pounds, and the Cost of opening the Street as a public Thoroughfare to the Sum of Twelve thousand Pounds: And whereas since the Time when the said Estimate was made the *Westminster Improvement Commissioners* have either actually purchased, or entered into Agreements for the Purchase of, more than Half the Property required for the aforesaid Area, and have deposited at the Office of the said Commissioners of Her Majesty’s Woods a Plan and detailed Description of all the Properties lying within the Area of the said proposed Street, and the Purchase of which is necessary for the opening of the same Street or public Thoroughfare (and which Properties formed the Basis of the aforesaid Estimate), and also a Statement of the Prices paid or payable, or now estimated to be payable, in respect of the whole of such Properties, from which it appears that the total Purchase Money required for the same will probably be about One hundred and ten thousand Pounds: And whereas, in order to facilitate the Completion of the said new Street, to be called *Victoria Street*, as a public Thoroughfare, it is expedient that such further Provisions and Enactments should be made as are herein-after contained:’ May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present

Commissioners of Woods to pay to the Westminster Improvement Commissioners 50,000*l.* out of the first Monies they receive from the London Bridge Approaches Fund, when 75,000*l.* shall have been expended in purchasing Area of new Street.

Parliament assembled, and by the Authority of the same, That when and so soon as the *Westminster* Improvement Commissioners shall have satisfied the Commissioners for the Time being of Her Majesty's Woods that they the said *Westminster* Improvement Commissioners have actually expended the Sum of Seventy-five thousand Pounds towards the opening of the said new Thoroughfare, to be called *Victoria Street*, and so as such Expenditure be shown to have been made in respect of the procuring the Land for the Area of the Street, and as little beyond such Area as the Boundaries of the respective Proprietors will allow, as shown in the said Plan and Description so deposited as aforesaid, and at Prices not exceeding those mentioned in the aforesaid Statement, so also deposited as aforesaid, and of the Payment of Expenses relating to such Purchases, not exceeding Twelve Pounds *per Centum* on the Amount of the Purchase Monies, and so as such Expenditure be shown to have been made out of Monies belonging to the said *Westminster* Improvement Commissioners, or Monies raised by a Charge on the surplus Profits to arise on the Completion of the said Undertaking, or otherwise on the Credit of the Bonds or Debentures of the said last-named Commissioners, and so as no Part thereof shall consist of Monies raised by means of any Charge on the said Sum of Thirty-nine thousand Pounds, and Interest, so to be advanced to the said *Westminster* Improvement Commissioners as aforesaid, or on the Monies by the said *Westminster* Improvement Act, 1847, authorized to be paid to the said Improvement Commissioners out of or in respect of the increased Rates therein mentioned; and when the said *Westminster* Improvement Commissioners shall have deposited at the Office of the Commissioners of Her Majesty's Woods all the Conveyances of and Title Deeds, Agreements, and other Documents in their Possession relating to the Property and Hereditaments purchased with the said Sum of Seventy-five thousand Pounds, then and thereupon the Commissioners for the Time being of Her Majesty's Woods shall and they are hereby required to pay to the *Westminster* Improvement Commissioners, or their Assigns, out of the First Monies which shall come to their Hands by virtue of any Charge or Charges made or to be made by them on the said *London Bridge* Approaches Fund, or upon the several Funds, Duties, annual Sums, and Revenues constituting the same, and which by the said or any other Acts they were authorized to charge as aforesaid, the full Sum of Fifty thousand Pounds, in satisfaction of the said Sum of Thirty-nine thousand Pounds, and Interest, so authorized to be paid to them by the said Commissioners of Her Majesty's Woods, together with Interest on the said Sum of Fifty thousand Pounds, after the Rate of Five Pounds *per Centum per Annum*, to be calculated from the Day on which the Expenditure of the said Sum of Seventy-five thousand Pounds shall have been proved to the Satisfaction of the said Commissioners of Her Majesty's Woods and certified by them or any Two of them, anything in the said recited Acts or any of them, or in any other Act or Acts of Parliament.

Parliament, to the contrary in anywise notwithstanding; and further, that from and after such Sum of Fifty thousand Pounds shall have become payable under the Provisions lastly hereinbefore contained, if the said Commissioners of Her Majesty's Woods shall not have Monies in their Hands applicable to the Payment of the said Sum of Fifty thousand Pounds, and Interest, then the said Commissioners last aforesaid shall and they are hereby required to give to the said *Westminster Improvement Commissioners* a Certificate under their Hands, or the Hands of any Two of them, certifying that they have been satisfied of the due Expenditure of the said Sum of Seventy-five thousand Pounds, and that such Deeds and Documents have been deposited as aforesaid, and thereupon the said *Westminster Improvement Commissioners*, or their Assigns, shall become absolutely entitled to the said Sum of Fifty thousand Pounds, and Interest, and to be paid when and as there shall be any Monies applicable to the Payment thereof, and in the meanwhile to raise Money by the Assignment or upon the Credit thereof: Provided nevertheless, that unless the said Sum of Seventy-five thousand Pounds shall have been so expended within Six Calendar Months from the passing of this Act, then and thereupon the Provisions in this Act contained shall not take effect, and then and in that Case nothing herein contained shall alter or vary any of the Provisions in the said recited Acts or any other Act or Acts contained.

II. ' And whereas by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further extending the Approaches to London Bridge and the Avenues adjoining to the Royal Exchange in the City of London, and for amending the Acts relating thereto respectively; and for raising a Sum of Money towards opening a Street to Clerkenwell Green in the County of Middlesex in continuation of the new Street from Farringdon Street in the City of London, the Charges upon the Estates and Revenues of the Mayor and Commonalty and Citizens of the City of London were continued until the Charges on the London Bridge Approaches Fund, then made or authorized to be made, were fully paid and satisfied: And whereas the said Mayor and Commonalty and Citizens, with the view of affording Facilities for the Completion of the Westminster Improvements, have consented to the varying of the Priorities as authorized by this Act:*

Be it enacted, That if at the Time when such Completion of such Expenditure of the said Sum of Seventy-five thousand Pounds shall have been certified as aforesaid the Commissioners of Her Majesty's Woods shall not have Monies in their Hands applicable or sufficient for Payment of Interest on the said Sum of Fifty thousand Pounds, then out of the Fund commonly called "The London Bridge Approaches Fund," but subject to the Payment of any Interest or Annuities payable in respect of any Principal Sums charged on the said Fund under any Act or Acts of Parliament now in force prior to any Sums charged or to be charged on the said Fund by or in favour of the Commissioners of Her Majesty's

5 & 6 Vict. c. ci.

How Interest on 50,000*l.* shall be paid if Commissioners of Woods have no Monies in hand after Expenditure of the 75,000*l.*

Majesty's Woods, Interest after the Rate aforesaid on the said Sum of Fifty thousand Pounds, or on so much thereof as shall from Time to Time remain unpaid, shall be paid from Time to Time to the said *Westminster* Improvement Commissioners, their Successors and Assigns, by Two even and equal half-yearly Payments in every Year, before any Part of the surplus Monies arising from or in respect of the said Fund shall be applied in redemption of any Annuities or Payment of any Principal Monies already charged on the said Fund; and a proportionate Part of One of such half-yearly Payments shall be paid up to the Fifth Day of *April* or to the Tenth Day of *October* which shall next ensue after the Day on which such Expenditure of the said Sum of Seventy-five thousand Pounds shall have been so certified to have been completed as aforesaid, and the subsequent half-yearly Payments on every succeeding Fifth Day of *April* and Tenth Day of *October* until the whole of the said Principal Sum of Fifty thousand Pounds shall have been fully paid and satisfied; and, subject as aforesaid, the Residue of such surplus Monies as last aforesaid shall from Time to Time be applied in such Manner and for such Purposes in all respects as the same would have been applicable in or for if this present Provision for securing Payment of Interest on the said Sum of Fifty thousand Pounds had not been in this Act contained: Provided also, that the Interest as aforesaid shall be paid at the Chamber of *London*, and that the Receipt or Receipts in Writing of the said *Westminster* Improvement Commissioners, sealed with their Common Seal, or of their Assigns, shall be a sufficient Discharge or sufficient Discharges to the Chamber of *London* for Payment of the same.

Interest on the 50,000*l.* to be paid at the same Rate (not exceeding 5*l.* per Cent.) at which Monies may be borrowed on the Credit thereof.

III. Provided also, and be it enacted, That in case the said *Westminster* Improvement Commissioners shall borrow the Sum of Fifty thousand Pounds, or any Part thereof, on the Security or Credit of the said Sum of Fifty thousand Pounds, and Interest, hereby directed to be paid to them, and shall pay for the Monies borrowed a Rate of Interest lower than the Rate of Five Pounds *per Centum per Annum*, then only the Rate of Interest which shall be paid by the *Westminster* Improvement Commissioners in respect of the Principal Monies so borrowed shall be paid in respect of the said Sum of Fifty thousand Pounds, or so much thereof as shall remain unpaid.

Certificate of Commissioners of Woods to be Evidence of Compliance with Conditions, and Receipts of *Westminster* Improvement Commissioners to be good Discharges.

IV. And be it enacted, That, as between the Commissioners of Her Majesty's Woods and all Persons or Parties whomever other than the said *Westminster* Improvement Commissioners themselves, such Certificate shall be sufficient and conclusive Evidence that all the Conditions by this Act prescribed have been complied with, and that the said Commissioners of Her Majesty's Woods are satisfied on the Points on which their Satisfaction is hereby required; and that the Receipt or Receipts in Writing of the said *Westminster* Improvement Commissioners, sealed with their Common Seal, or signed by their Clerk, with the Privity of Her Majesty's Commissioners of Woods, or any Two of them, testified in Writing under their Hands, shall be full

full and sufficient Discharges to all Persons or Bodies Corporate whomsoever advancing or paying any Monies to the said *Westminster* Improvement Commissioners on the Security or for the Purchase of, or otherwise in respect of, the said Sum of Fifty thousand Pounds, and Interest, or any Part thereof, for the Monies therein expressed to be received, and that no such Person or Body Corporate shall be in anywise required to see to the Application of the Monies so advanced or paid by them.

V. Provided always, and be it enacted, That, as between the said *Westminster* Improvement Commissioners and the Commissioners of Her Majesty's Woods, all the Monies which shall be borrowed or raised by the said *Westminster* Improvement Commissioners on the Security of or by the Sale of the said Sum of Fifty thousand Pounds, and Interest, or any Part thereof, or the said Sum of Fifty thousand Pounds, and Interest, when payable, (subject to any Sale or Mortgage or other Disposition thereof, and to the Payment thereof of all Monies raised or borrowed on the Security of an Assignment thereof,) or such Part of the said Monies as the said Commissioners of Her Majesty's Woods shall think fit, shall be deposited or invested by the said *Westminster* Improvement Commissioners in the Names of Three Trustees, to be approved of by the Commissioners for the Time being of Her Majesty's Woods, and such Trustees shall hold such Monies in trust to lay out the same in or towards procuring for the said *Westminster* Improvement Commissioners the Residue not previously purchased of the Land for the Area of the said Street, and as little beyond such Area as the Boundaries of the respective Properties will allow, as shown in the said Plan or Description so deposited as aforesaid, at Prices not exceeding those mentioned in the said Description, and in Payment of Expenses relating to such Purchases, not exceeding the Rate of Twelve *per Centum* on the Amount of the Purchase Money, and in Payment of the Costs of building and making Vaults and Sewers and paving or otherwise preparing the said Street for a public Thoroughfare; and, subject as aforesaid, the said Monies so deposited shall be in trust for the *Westminster* Improvement Commissioners; but the Interest from Time to Time arising from such Monies so to be deposited as aforesaid, or the Securities on which the same may be invested, shall be paid to the said *Westminster* Improvement Commissioners, to be by them applied towards the Completion and opening of the said Thoroughfare.

The 50,000*l.*, or Monies borrowed on the Credit thereof, to be invested in the Names of Trustees for completing the Purchase of the Area of the new Street, and opening the same as a public Thoroughfare.

VI. Provided always, and be it enacted, That if any Trustee or Trustees to be approved by the said Commissioners of Her Majesty's Woods, as by this Act is provided, shall die, or refuse or become incapable to act in the Trust hereby created, before the same shall be fully performed, it shall be lawful for the *Westminster* Improvement Commissioners from Time to Time, by any Writing sealed with their Common Seal, to nominate and appoint any other Person or Persons (to be approved by the Commissioners of Her Majesty's Woods) to be a Trustee,

As to Appointment of new Trustees in case of Death, &c.

or Trustees of the said Monies in the Place of such Trustee or Trustees so dying, or refusing or becoming incapable to act, as aforesaid, and thereupon the said Monies, or such Part thereof as shall remain unapplied, shall be transferred into the Names of the surviving or continuing Trustee or Trustees and of the said new Trustee or Trustees, to be held by them upon the Trusts before mentioned respecting the same.

Trustees not to be liable for involuntary Losses.

VII. Provided always, and be it enacted, That the said Trustees shall not nor shall any or either of them be responsible for the Failure of any Banker in whose Hands such Monies shall be deposited for safe Custody or placed at Interest, nor for any Loss whatsoever, unless the same shall arise from their or his gross or wilful Neglect or Default.

Area, when purchased, to be devoted to the Public, free from all Charges.

VIII. And be it enacted, That as regards so much of the Area of the said intended Street as has been already purchased, the same shall be and be taken to be Part of the Area as shown in the aforesaid Plan of the said intended Street, and for ever hereafter devoted as a public Thoroughfare, when and as the same shall have been completed and opened; and when and as any other Part of the said Area shall after the passing of this Act have been purchased the same shall be and be taken to be Part of the Area of the said intended Street, and shall not be subject to any Charges, Estates, Debts, or Incumbrances made or to be made by the said *Westminster Improvement Commissioners*; and after the said Commissioners of Her Majesty's Woods shall have caused a Notice to be inserted in the *London Gazette* that the said new Street is open as a public Thoroughfare, the said Area shall become and be and for ever thereafter remain a public Thoroughfare to all Intents and Purposes whatsoever.

Improvement Commissioners may enclose Areas to Houses, and construct Vaults appurtenant to the same.

IX. Provided always, and be it enacted, That it shall be lawful for the said *Westminster Improvement Commissioners*, their Successors and Assigns, to set apart, appropriate, and enclose such Portion of the said Area as is marked out in the said Plan for Areas to the Houses fronting upon the said Street, and to make Vaults to or for such Houses within the Limits also marked out on the said Plan, and such Areas and Vaults as lastly aforesaid shall for ever thereafter be appurtenant to, and held, used, and enjoyed with such Houses respectively; and also that it shall be lawful for the said last-mentioned Commissioners, their Successors and Assigns, while any House or Houses fronting on the said Street shall be in the course of Erection or Completion, from Time to Time, at their Discretion, but in the usual and proper Manner, and for a reasonable Period only, to enclose and keep enclosed a Portion or Portions of the said Street fronting such House or Houses, and not exceeding Twenty Feet in Depth, and use the Space so enclosed in erecting and completing such House or Houses, and carrying on the necessary Works for that Purpose.

Plan to remain at Office of Woods, &c., and

X. And be it enacted, That the said Plan so deposited as aforesaid shall remain at the Office of the Commissioners of Her Majesty's

Majesty's Woods, and all Persons shall be at liberty at seasonable Times to inspect the same, at their Will and Pleasure, on paying the Sum of One Shilling for every such Inspection.

to be open to Inspection.

XI. Provided always, and be it enacted, That the Noncompletion of the said new Street within the Period prescribed by the said Act of the Tenth and Eleventh Years of the Reign of Her Majesty shall not in anywise prejudice or affect the Right or Title of any Mortgagee or Assignee of the said *Westminster Improvement Commissioners* to receive the whole or any Part of the aforesaid Sum of Fifty thousand Pounds, and Interest.

Noncompletion of Street within prescribed Period not to affect Rights of Mortgagees.

XII. Provided always, and be it enacted, That when and so soon as the said *Westminster Improvement Commissioners* shall have applied the Sum of Seventy-five thousand Pounds towards the Purchase of such Area as aforesaid, and shall have deposited or invested in such Names as aforesaid the said Sum of Fifty thousand Pounds, or so much thereof as Her Majesty's Commissioners of Woods shall require for the Purpose of being applied in the purchasing the said Area and the Completion of the said Street as aforesaid, then, and notwithstanding anything in this Act or the said recited Acts, or any of them, or any Act of Parliament contained, the said Commissioners of Her Majesty's Woods shall and they are hereby required to deliver up to the said *Westminster Improvement Commissioners* all the Conveyances, Title Deeds, and Documents which shall have been so deposited with them as aforesaid, freed and discharged from all Lien or Charge, Powers, Estates, or Interests of the said Commissioners of Her Majesty's Woods, under any of the Provisions of the said recited Acts, or any of them, or any other Act whatsoever; and thenceforwards it shall not be incumbent on the said Trustees or either of them, or the said *Westminster Improvement Commissioners*, to cause any Conveyances, Title Deeds, or Documents of or relating to any Land paid or to be paid for by such Trustees or Commissioners as aforesaid to be deposited with the Commissioners of Her Majesty's Woods, but the same shall be given up to the said *Westminster Improvement Commissioners*, their Successors or Assigns.

Title Deeds to be delivered up to the Improvement Commissioners when they have expended 75,000*l.* towards Purchase of Area, and have invested the 50,000*l.* in Names of Trustees.

XIII. Provided always, and be it enacted, That during such Time as any of the Conveyances, Title Deeds, and Documents deposited or so to be deposited as aforesaid shall remain in the Custody of the Commissioners of Her Majesty's Woods, the said Improvement Commissioners and their Appointees shall, at all reasonable Hours in the Daytime, have free Access to and be at liberty to inspect, examine, and make Extracts from or Abstracts and Copies of such Conveyances, Title Deeds, and Documents, or any of them.

Improvement Commissioners to have Access to Documents deposited at Office of Woods.

XIV. Provided always, and be it enacted, That nothing herein contained shall invalidate or in any Manner prejudice or bar the Enforcement of a certain Bond or Obligation in Writing bearing Date the Thirtieth Day of *January* One thousand eight hundred and forty-six, taken by Direction of the Commissioners of Her Majesty's Treasury, under the Provisions of the *Westminster Improvement Act, 1845*, by way of Security for the Formation

Bond to the Treasury to remain in force.

Formation and Completion of the new Street, by the same Act authorized to be made, and by the *Westminster Improvement Act*, 1847, continued in force, and extended to the Formation and Completion of the new Street to be called *Victoria Street*, by the last-mentioned Act authorized to be made, but such Bond or Obligation shall remain in full Force, and the Condition thereof shall not be deemed to have been performed until the Roadway or Communication described in and laid down on the Plan in the last-mentioned Act referred to shall have been constructed and fully completed to the Satisfaction of the Commissioners of Her Majesty's Woods (such Satisfaction to be expressed by a Certificate under the Hands of any Two of the last-mentioned Commissioners), and the said Roadway or Communication shall be opened to and fit to be used by the Public, or until the Obligees in the said Bond named shall have paid within the Time therein limited the full Sum which they have thereby bound themselves to pay in case of Default.

Commissioners
of Woods to
continue incor-
porated.

XV. And be it enacted, That the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall continue incorporated for the Purposes of this Act, in such Manner as by the said first-recited Act or any other Act is provided for the Purposes of such Acts.

Repeal of Pro-
vision in West-
minster Im-
provement Acts
as to Convey-
ances by way of
Sale or Ex-
change.

XVI. ' And whereas in and by the *Westminster Improvement Act*, 1845, it was amongst other things enacted, that as and
' when Conveyances by way of Sale or Exchange or Leases
' should be executed pursuant to such last-mentioned Act, the
' respective Persons and Corporations to whom the Lands de-
' scribed in such Conveyances and Leases respectively should
' be conveyed or leased should be entitled to hold the same
' discharged from all Mortgages or other Charges previously
' made by the said Improvement Commissioners, without the
' Mortgagees or Persons entitled to such Charges concurring in
' the Conveyance or Lease: And whereas the said lastly-recited
' Enactment has by the *Westminster Improvement Act*, 1847,
' been extended to the Property comprised in and authorized to
' be purchased by such last-mentioned Act: And whereas it is
' expedient that such Enactment should be modified or altered
' in manner herein-after mentioned: ' Now be it enacted, That,
notwithstanding anything in the said *Westminster Improvement Acts* or either of them contained, no Lands or Hereditaments to be comprised in any Conveyance by way of Sale or Exchange, or any Lease to be made by the said Improvement Commissioners, shall be held so discharged as aforesaid from any Mortgage or Charge affecting the same, without the Mortgagee or Mortgagees or other Person or Persons entitled to such Mortgage or Charge concurring in such Conveyance or Lease, in any Case where in the Deed or Deeds creating such Mortgage or Charge it shall have been expressly agreed that the Lands and Hereditaments therein comprised shall not be discharged from such Mortgage or Charge without the Concurrence of the Person or Persons entitled thereto.

XVII. And

XVII. And be it enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such.

CAP. CXXV.

An Act for raising the Sum of Two Millions by Exchequer Bills, or by the Creation of Annuities, for the Service of the Year One thousand eight hundred and forty-eight. [5th September 1848.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and forty-eight, it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, and they are hereby authorized to raise the Sum of Two million Pounds Sterling, by directing from Time to Time the Issue of Exchequer Bills, the Creation of Consolidated Annuities at the Rate of Three Pounds *per Centum per Annum*, and the Creation of Reduced Annuities at the same Rate, or by any of the Means aforesaid, as the said Commissioners of Her Majesty's Treasury shall think fit.

Power to Treasury to raise 2,000,000*l.* by the Issue of Exchequer Bills or the Creation of Stock towards making good the Supply granted in 1848.

II. And be it enacted, That all Exchequer Bills which may be issued by virtue of this Act shall be made out at the Receipt of the Exchequer in such and the like Manner and under the like Rules and Directions as if the same had been authorized to be made out by an Act passed in this present Session of Parliament for raising the Sum of Seventeen million nine hundred and forty-six thousand five hundred Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and forty-eight, and subject to all the Clauses, Provisions, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at Westminster*, and an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills*;

Exchequer Bills may be made out as if authorized by 11 & 12 Vict. c. 16., and subject to Provisions of 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

and the Provisions in the said Act passed in this Session of Parliament concerning the Exchequer Bills thereby authorized to be made out shall be applied and extended to the Exchequer Bills to be made out by virtue of this Act, as fully and effectually as if the same had been repeated and re-enacted in this Act in relation to such Exchequer Bills; and it shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty any Sum or Sums of Money upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, anything in any Act or Acts to the contrary notwithstanding.

Power to Treasury to cause Stock to be created.

III. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, or for any Three or more of them, and they are hereby authorized, by Warrant under their Hands, from Time to Time to order and direct the Governor and Company of the Bank of *England* to direct their Accountant General or Deputy Accountant to enter and place to the Credit of the Commissioners for the Reduction of the National Debt any Amount of Consolidated Annuities at the Rate of Three Pounds *per Centum per Annum*, and of Reduced Annuities at the same Rate, or of either of such Annuities, the first half-yearly Payment of the Dividends whereof respectively shall commence from the Day on which the last half-yearly Dividends were due and payable on the said Consolidated or Reduced Three Pounds *per Centum* Annuities respectively; and the said Commissioners for the Reduction of the National Debt shall, upon receiving Directions to that Effect from the said Commissioners of Her Majesty's Treasury, sell or dispose of the whole or any Part of the said Annuities so authorized to be created by this Act, and the Monies arising from such Sale or Disposal shall be paid into the Receipt of Her Majesty's Exchequer, to be applied to such Services as shall have been granted in this Session of Parliament: Provided always, that the whole Amount to be raised by the Creation and Sale of Annuities and by the Issue of Exchequer Bills under this Act shall not exceed the said Sum of Two million Pounds Sterling.

Consols or Reduced Annuities to be One Capital Stock.

IV. And be it enacted, That all the Consolidated Three Pounds *per Centum* Annuities, and all the Reduced Three Pounds *per Centum* Annuities, created by virtue of this Act, shall respectively be deemed and taken to be and from Time to Time be added to and form Part of the respective Capitals of the Consolidated Three Pounds *per Centum* Annuities and Reduced Three Pounds *per Centum* Annuities transferable at the Bank of *England*.

Annuities to be charged on Consolidated Fund.

V. And be it enacted, That all the Dividends and Interest on the Consolidated and Reduced Three Pounds *per Centum* Annuities which may be created by virtue of this Act shall be charged and chargeable upon, and are hereby charged upon and made payable out of, the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and so much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer in *Great Britain* out of the Consolidated Fund of

of the United Kingdom of *Great Britain* and *Ireland* to the Cashier or Cashiers of the Governor and Company of the Bank of *England* as shall be sufficient to satisfy and pay the Dividends and Interest on the Annuities to be created under this Act, with the Charges attending the same.

CAP. CXXVI.

An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and forty-eight; and to appropriate the Supplies granted in this Session of Parliament.
[5th September 1848.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and forty-eight, the Sum of Ten millions five hundred eighty-four thousand eight hundred and seventy-one Pounds Nineteen Shillings and Ten-pence out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

There shall be applied, for the Service of the Year 1848, 10,584,871*l.* 19*s.* 10*d.* out of the Consolidated Fund.

II. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Ten millions five hundred eighty-four thousand eight hundred and seventy-one Pounds Nineteen Shillings and Ten-pence; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for*

The Treasury may cause 10,584,871*l.* 19*s.* 10*d.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

regulating

regulating the issuing and paying off of Exchequer Bills, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, intituled An Act to regulate the Office of the Receipt of His Majesty's Exchequer at Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled An Act for further regulating the Preparation and Issue of Exchequer Bills.

The Clauses,
&c. in recited
Acts extended
to this Act.

III. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

Interest on
Exchequer
Bills.

IV. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bank of
England may
advance
10,584,871*l.*
19*s.* 10*d.* on the
Credit of this
Act, notwith-
standing
5 & 6 W. & M.
c. 20.

V. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Ten millions five hundred eighty-four thousand eight hundred and seventy-one Pounds Nineteen Shillings and Ten-pence; anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William and Queen Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon the Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France*, or in any other Act or Acts, to the contrary notwithstanding.

Bills prepared
by virtue of this
Act to be deli-
vered to the
Bank as Secu-
rity for such
Advances.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

VII. And

VII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain and Ireland* in this present Session of Parliament.

Monies raised by Exchequer Bills to be applied to Services voted by the Commons.

VIII. And be it enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

IX. And be it enacted, That there shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and forty-eight, the Sum of Forty-one thousand seven hundred and eighty-six Pounds Nineteen Shillings and Ninepence, being the Surplus of Ways and Means granted for the Service of preceding Years, and also the Sum of Five hundred thousand Pounds, a Part of the Sum in the Exchequer of the United Kingdom of *Great Britain and Ireland*, or remaining to be raised on the Eighth Day of *August* One thousand eight hundred and forty-eight, to complete the Aids granted by Parliament for the Service of the Years One thousand eight hundred and forty-six and One thousand eight hundred and forty-seven, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain and Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury to issue 41,786*l.* 19*s.* 9*d.*, Surplus of Ways and Means, and 500,000*l.* now in the Exchequer, to complete the Aids granted for 1846 and 1847.

X. And be it enacted, That all the Monies coming into the Exchequer of *Great Britain* by an Act passed in this Session of Parliament,

Monies coming into the Exchequer by 11&12*Vict.* c. 4.

17,946,500*l.*
by Exchequer
Bills, 11 & 12
Vict. c. 16.;

Monies coming
in by 11 & 12
Vict. c. 33.;

by 11 & 12
Vict. c. 125.;

and 10,584,871*l.*
19*s.* 10*d.*,
41,786*l.* 19*s.* 9*d.*,
and 500,000*l.* by
this Act, ap-
plied as here-
after expressed.

There shall be
issued 245,410*l.*
19*s.* 7*d.* for
Excess of Naval
Expenditure
over Grants of
1846.

There shall
be issued
7,518,610*l.* for
Naval Services;
viz.

1,393,506*l.* for
Wages to 43,000
Seamen and
Marines, &c.;

610,930*l.* for
Victuals, &c.
in the Navy;

500,288*l.* for
Military Pen-
sions;

Parliament, intituled *An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-eight*; and also the Sum of Seventeen millions nine hundred and forty-six thousand five hundred Pounds, granted by one other Act passed in this Session of Parliament, intituled *An Act for raising the Sum of Seventeen millions nine hundred and forty-six thousand five hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-eight*; and all the Monies coming into the said Exchequer by one other Act passed in this Session of Parliament, intituled *An Act to apply the Sum of Three Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-eight*; and all the Monies coming into the said Exchequer by one other Act passed in this Session of Parliament, intituled *An Act for raising the Sum of Two Millions by Exchequer Bills, or by the Creation of Annuities, for the Service of the Year One thousand eight hundred and forty-eight*; and also the respective Sums of Ten millions five hundred eighty-four thousand eight hundred and seventy-one Pounds Nineteen Shillings and Ten-pence, Forty-one thousand seven hundred and eighty-six Pounds Nineteen Shillings and Nine-pence, and Five hundred thousand Pounds, by this Act granted, shall be further appropriated and are hereby appropriated, and shall be issued and applied, for and towards the several Uses and Purposes hereafter expressed.

XI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Two hundred forty-five thousand four hundred and ten Pounds Nineteen Shillings and Seven-pence, in order to defray the Excess of the Naval Expenditure beyond the Grants for the Year ended on the Thirty-first Day of *March* One thousand eight hundred and forty-seven.

XII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seven millions five hundred eighteen thousand six hundred and ten Pounds, for and towards the Naval Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding One million three hundred ninety-three thousand five hundred and six Pounds, to defray the Charge of Wages to Forty-three thousand Seamen and Marines, and to the Ordinary and Yard Craft, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Six hundred and ten thousand nine hundred and thirty Pounds, to defray the Charge of Victuals to Seamen and Marines in Her Majesty's Fleet, and to the Ordinary and Yard Craft, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Five hundred thousand two hundred

and eighty-eight Pounds, to defray the Charge of Military Pensions and Allowances which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding One million three hundred fifty-seven thousand two hundred and thirteen Pounds, to defray the Expense of Naval Stores for the Building, Repair, and Outfit of the Fleet, the Purchase of Steam Machinery, and for other Purposes connected therewith, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Seven hundred nineteen thousand seven hundred and forty Pounds, to defray the Charge of Half Pay to Officers of the Navy and of the Royal Marines which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Eight hundred eleven thousand three hundred and forty-six Pounds, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Six hundred twenty-six thousand six hundred and one Pounds, to defray the Charge of new Works, Improvements, and Repairs in the Naval Establishments, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding One hundred thirty-six thousand three hundred and three Pounds, to defray the Salaries of the Officers and the contingent Expenses of the Admiralty Office, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Nine thousand seven hundred and one Pounds, to defray the Salaries of the Officers and the contingent Expenses of the General Register and Record Office of Seamen, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Seventy-seven thousand two hundred and sixty-one Pounds, to defray the Salaries of the Officers and the contingent Expenses of the several scientific Departments of the Navy, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding One hundred thirty-nine thousand three hundred and fifty Pounds, to defray the Salaries of the Officers and the contingent Expenses of Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding

1,357,219*l.* for
Naval Stores,
&c. ;

719,740*l.* for
Naval Half
Pay ;

811,346*l.* for
Wages of
Artificers, &c.
at home ;

626,601*l.* for
new Works in
Naval Estab-
lishments ;

136,303*l.* for
Salaries, &c. of
the Admiralty
Office ;

9,701*l.* for
Registry Office
of Seamen, &c. ;

77,261*l.* for the
Navy Scientific
Departments ;

139,350*l.* for
Naval Estab-
lishments at
home ;

25,839*l.* for
Naval Esta-

17,946,500*l.*
by Exchequer
Bills, 11 & 12
Vict. c. 16.;

Monies coming
in by 11 & 12
Vict. c. 33.;

by 11 & 12
Vict. c. 125.;

and 10,584,871*l.*
19*s.* 10*d.*,
41,786*l.* 19*s.* 9*d.*,
and 500,000*l.* by
this Act, ap-
plied as here-
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There shall be
issued 245,410*l.*
19*s.* 7*d.* for
Excess of Naval
Expenditure
over Grants of
1846.

There shall
be issued
7,518,610*l.* for
Naval Services;
viz.

1,393,506*l.* for
Wages to 43,000
Seamen and
Marines, &c.;

610,930*l.* for
Victuals, &c.
in the Navy;

500,288*l.* for
Military Pen-
sions;

Parliament, intituled *An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-eight*; and also the Sum of Seventeen millions nine hundred and forty-six thousand five hundred Pounds, granted by one other Act passed in this Session of Parliament, intituled *An Act for raising the Sum of Seventeen millions nine hundred and forty-six thousand five hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-eight*; and all the Monies coming into the said Exchequer by one other Act passed in this Session of Parliament, intituled *An Act to apply the Sum of Three Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-eight*; and all the Monies coming into the said Exchequer by one other Act passed in this Session of Parliament, intituled *An Act for raising the Sum of Two Millions by Exchequer Bills, or by the Creation of Annuities, for the Service of the Year One thousand eight hundred and forty-eight*; and also the respective Sums of Ten millions five hundred eighty-four thousand eight hundred and seventy-one Pounds Nineteen Shillings and Ten-pence, Forty-one thousand seven hundred and eighty-six Pounds Nineteen Shillings and Nine-pence, and Five hundred thousand Pounds, by this Act granted, shall be further appropriated and are hereby appropriated, and shall be issued and applied, for and towards the several Uses and Purposes hereafter expressed.

XI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Two hundred forty-five thousand four hundred and ten Pounds Nineteen Shillings and Seven-pence, in order to defray the Excess of the Naval Expenditure beyond the Grants for the Year ended on the Thirty-first Day of *March* One thousand eight hundred and forty-seven.

XII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seven millions five hundred eighteen thousand six hundred and ten Pounds, for and towards the Naval Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding One million three hundred ninety-three thousand five hundred and six Pounds, to defray the Charge of Wages to Forty-three thousand Seamen and Marines, and to the Ordinary and Yard Craft, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Six hundred and ten thousand nine hundred and thirty Pounds, to defray the Charge of Victuals to Seamen and Marines in Her Majesty's Fleet, and to the Ordinary and Yard Craft, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Five hundred thousand two hundred

and eighty-eight Pounds, to defray the Charge of Military Pensions and Allowances which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding One million three hundred fifty-seven thousand two hundred and thirteen Pounds, to defray the Expense of Naval Stores for the Building, Repair, and Outfit of the Fleet, the Purchase of Steam Machinery, and for other Purposes connected therewith, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Seven hundred nineteen thousand seven hundred and forty Pounds, to defray the Charge of Half Pay to Officers of the Navy and of the Royal Marines which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Eight hundred eleven thousand three hundred and forty-six Pounds, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Six hundred twenty-six thousand six hundred and one Pounds, to defray the Charge of new Works, Improvements, and Repairs in the Naval Establishments, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding One hundred thirty-six thousand three hundred and three Pounds, to defray the Salaries of the Officers and the contingent Expenses of the Admiralty Office, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Nine thousand seven hundred and one Pounds, to defray the Salaries of the Officers and the contingent Expenses of the General Register and Record Office of Seamen, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Seventy-seven thousand two hundred and sixty-one Pounds, to defray the Salaries of the Officers and the contingent Expenses of the several scientific Departments of the Navy, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding One hundred thirty-nine thousand three hundred and fifty Pounds, to defray the Salaries of the Officers and the contingent Expenses of Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding

1,357,213*l.* for
Naval Stores,
&c.;

719,740*l.* for
Naval Half
Pay;

811,346*l.* for
Wages of
Artificers, &c.
at home;

626,601*l.* for
new Works in
Naval Estab-
lishments;

136,303*l.* for
Salaries, &c. of
the Admiralty
Office;

9,701*l.* for
Registry Office
of Seamen, &c.;

77,261*l.* for the
Navy Scientific
Departments;

139,350*l.* for
Naval Estab-
lishments at
home;

25,839*l.* for
Naval Estab-

Establishments
abroad ;

39,280*l.* for
Wages of
Artificers, &c.
abroad ;

25,075*l.* for
Medicines, &c. ;

66,579*l.* for
Naval Miscella-
neous Services ;

181,322*l.* for
Freight of
Ships, &c. for
Army and Ord-
nance Services ;

43,602*l.* to
defray the
Charge of Con-
victs, Home
Department ;

152,018*l.* for
Civil Pensions ;

602,662*l.* for
Mail Packet
Service.

There shall
be issued
7,037,795*l.* for
Army Services ;
viz.

3,836,880*l.* for
Forces in U. K.
and Stations
abroad (except
the *East Indies*) ;

Twenty-five thousand eight hundred and thirty-nine Pounds, to defray the Salaries of the Officers and the contingent Expenses of Her Majesty's Naval Establishments abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Thirty-nine thousand two hundred and eighty Pounds, to defray the Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Twenty-five thousand and seventy-five Pounds, to defray the Charge of Medicines and Medical Stores, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Sixty-six thousand five hundred and seventy-three Pounds, to defray the Charge of divers Naval Miscellaneous Services, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding One hundred eighty-one thousand three hundred and twenty-two Pounds, to defray the Charge for the Freight of Ships and for the Victualling and Conveyance of Troops and Stores on account of the Army and Ordnance Departments, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Forty-three thousand six hundred and two Pounds, to defray the Charges relating to Convicts on account of the Home Department, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding One hundred fifty-two thousand and eighteen Pounds, to defray the Charge of Civil Pensions and Allowances which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Six hundred and two thousand six hundred and sixty-two Pounds, to defray the Charge of the Packet Service on account of the Post Office Department, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine.

XIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seven millions thirty-seven thousand seven hundred and ninety-five Pounds, for and towards the Army Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Three millions eight hundred thirty-six thousand eight hundred and eighty Pounds, for defraying the Charge of Her Majesty's Land Forces for Service in the United Kingdom

Kingdom of *Great Britain and Ireland*, and on Stations abroad (excepting the Regiments employed in the territorial Possessions of the *East India Company*), which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-eight to the Thirty-first Day of *March* One thousand eight hundred and forty-nine, both Days inclusive; and any Sum or Sums of Money not exceeding One million two hundred twenty-three thousand eight hundred and ten Pounds, to defray the Charge of the Out-Pensioners of *Chelsea Hospital*, of Pensions granted to discharged Negro Soldiers, of Pensioners from *Hanoverian Corps* which served with the *British Army* in One thousand seven hundred and ninety-three, One thousand seven hundred and ninety-four, and One thousand seven hundred and ninety-five, and of the Military Organization of Out-Pensioners in the United Kingdom and in *New Zealand*, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-eight to the Thirty-first Day of *March* One thousand eight hundred and forty-nine, both Days inclusive; and any Sum or Sums of Money not exceeding Seventy-six thousand Pounds, to defray the Charge of the Pay of General Officers in Her Majesty's Forces, not being Colonels of Regiments, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-eight to the Thirty-first Day of *March* One thousand eight hundred and forty-nine, both Days inclusive; and any Sum or Sums of Money not exceeding Four hundred and six thousand Pounds, to defray the Charge of Half Pay and Military Allowances to reduced and retired Officers of Her Majesty's Land Forces, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-eight to the Thirty-first Day of *March* One thousand eight hundred and forty-nine, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred twenty-nine thousand five hundred and thirty-one Pounds, to defray the Charge of Pensions to be paid to the Widows of Officers of the Land Forces, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-eight to the Thirty-first Day of *March* One thousand eight hundred and forty-nine, both Days inclusive; and any Sum or Sums of Money not exceeding Ninety-eight thousand Pounds, to defray the Charge of Allowances on the Compassionate List, of Allowances as of Her Majesty's Royal Bounty, and Pensions, Gratuities, and Allowances to Officers for Wounds, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-eight to the Thirty-first Day of *March* One thousand eight hundred and forty-nine, both Days inclusive; and any Sum or Sums of Money not exceeding Five hundred twenty-eight thousand three hundred and forty-five Pounds, to defray the Charge of the Commissariat Department, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Forty-two thousand nine hundred

1,223,810*l.* for
Out-Pensioners
of *Chelsea*
Hospital, &c. ;

76,000*l.* for
certain General
Officers ;

406,000*l.* for
Half Pay for
Retired Offi-
cers ;

129,531*l.* for
Pensions to
Widows ;

98,000*l.* for
Compassionate
List, &c. ;

528,345*l.* for
Commissariat
Department ;

42,964*l.* for
Half Pay of
Commissar'
Departm

168,237 <i>l.</i> for General Staff Officers, &c. ;	dred and sixty-four Pounds, to defray the Charge of Half Pay, Pensions, and Allowances in the Commissariat Department, which will come in course of Payment during the Year ending on the Thirty-first Day of <i>March</i> One thousand eight hundred and forty-nine ; and any Sum or Sums of Money not exceeding One hundred sixty-eight thousand two hundred and thirty-seven Pounds for defraying the Charge of General Staff Officers and Officers of the Hospitals serving with Her Majesty's Forces in the United Kingdom of <i>Great Britain</i> and <i>Ireland</i> and on Foreign Stations (excepting <i>India</i>), and of Her Majesty's Garrison of the <i>Tower of London</i> , which will come in course of Payment from the First Day of <i>April</i> One thousand eight hundred and forty-eight to the Thirty-first Day of <i>March</i> One thousand eight hundred and forty-nine, both Days inclusive ; and any Sum or Sums of Money not exceeding Ninety-six thousand five hundred and ninety-one Pounds, for defraying the Charge of the Allowances of the principal Officers of the several Public Military Departments in <i>Great Britain</i> , their Deputies, Clerks, and contingent Expenses, which will come in course of Payment from the First Day of <i>April</i> One thousand eight hundred and forty-eight to the Thirty-first Day of <i>March</i> One thousand eight hundred and forty-nine, both Days inclusive ; and any Sum or Sums of Money not exceeding Nineteen thousand one hundred and sixty-one Pounds, for defraying the Charge of the Royal Military Asylum, and of the <i>Hibernian</i> Military School, which will come in course of Payment from the First Day of <i>April</i> One thousand eight hundred and forty-eight to the Thirty-first Day of <i>March</i> One thousand eight hundred and forty-nine, both Days inclusive ; and any Sum or Sums of Money not exceeding Eighty thousand three hundred and nine Pounds, for defraying the Charge of Volunteer Corps, which will come in course of Payment from the First Day of <i>April</i> One thousand eight hundred and forty-eight to the Thirty-first Day of <i>March</i> One thousand eight hundred and forty-nine, both Days inclusive ; and any Sum or Sums of Money not exceeding Fifteen thousand five hundred and seven Pounds, for defraying the Charge of Allowances as Rewards for distinguished Services, and of Allowances to Officers of Her Majesty's Garrisons holding their Appointments as Rewards for Military Service in the United Kingdom of <i>Great Britain</i> and <i>Ireland</i> and on Foreign Stations, which will come in course of Payment from the First Day of <i>April</i> One thousand eight hundred and forty-eight to the Thirty-first Day of <i>March</i> One thousand eight hundred and forty-nine, both Days inclusive ; and any Sum or Sums of Money not exceeding Fifty-seven thousand Pounds, for defraying the Charge of Full Pay for reduced and retired Officers of Her Majesty's Forces, which will come in course of Payment from the First Day of <i>April</i> One thousand eight hundred and forty-eight to the Thirty-first Day of <i>March</i> One thousand eight hundred and forty-nine, both Days inclusive ; and any Sum or Sums of Money not exceeding Forty-seven thousand three hundred and eighty-six Pounds, for defraying the Charge for Half Pay and
96,591 <i>l.</i> for Allowances to Officers, &c. of Public Military Departments ;	
19,161 <i>l.</i> for Royal Military Asylum, &c. ;	
80,309 <i>l.</i> for Volunteer Corps ;	
15,507 <i>l.</i> for Rewards for distinguished Military Services ;	
57,000 <i>l.</i> for Full Pay for Retired Officers ;	
47,386 <i>l.</i> for Half Pay, &c. to Officers of disbanded Foreign Corps, &c.,	

reduced Allowances to Officers of disbanded Foreign Corps, of Pensions to wounded Foreign Officers, and of Allowances to the Widows and Children of deceased Foreign Officers, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-eight to the Thirty-first Day of *March* One thousand eight hundred and forty-nine, both Days inclusive; and any Sum or Sums of Money not exceeding Twenty-six thousand seven hundred and seventy-four Pounds, for defraying the Charge of *Chelsea* and *Kilmainham* Hospitals, and of the In-Pensioners of those Establishments, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-eight to the Thirty-first Day of *March* One thousand eight hundred and forty-nine, both Days inclusive; and any Sum or Sums of Money not exceeding Thirty-seven thousand five hundred Pounds, for defraying the Charge of Allowances, Compensations, and Emoluments in the Nature of Superannuation or Retired Allowances, to Persons formerly belonging to the several Military Public Departments in the United Kingdom of *Great Britain* and *Ireland*, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-eight to the Thirty-first Day of *March* One thousand eight hundred and forty-nine, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred twenty-two thousand eight hundred Pounds, to defray the Charge of the Disembodied Militia of *Great Britain* and *Ireland*, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Twenty-five thousand Pounds, to defray the Charge which may be incurred for Payments to enrolled Pensioners who may be employed on permanent Duty, or in aid of the Civil Power, from the First Day of *April* One thousand eight hundred and forty-eight to the Thirty-first Day of *March* One thousand eight hundred and forty-nine.

26,774*l.* for
Chelsea and
Kilmainham
Hospitals;

37,500*l.* for
Superannua-
tions in Military
Public De-
partments;

122,800*l.* for
Disembodied
Militia;

25,000*l.* for
Pensioners on
Duty.

XIV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Two millions eight hundred and one thousand seven hundred and sixty Pounds, for and towards the Ordnance Services hereinafter more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Seven hundred sixteen thousand two hundred and fifty-four Pounds, to defray the Expense of the Pay, Allowances, and Contingencies of the Ordnance Military Corps, which may come in course of Payment during the Year ending the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Three hundred sixteen thousand and thirty-one Pounds, to defray the Expense of the Commissariat and Barrack Supplies for Her Majesty's Land Forces, and Great Coats and Clothing for the Army, which may come in course of Payment during the Year ending the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or

There shall
be issued
2,801,760*l.* for
Ordnance Ser-
vices; viz.

716,254*l.* for
Ordnance Mili-
tary Corps;

316,031*l.* for
Commissariat
and Barrack
Supplies, &c.;

91,136*l.* for
Ordnance
Office;

235,646*l.* for
Establishments
in United King-
dom and
Colonies;

158,567*l.* for
Wages of
Artificers, &c.;

463,743*l.* for
Ordnance Stores
for Land and
Sea Service;

584,155*l.* for
Ordnance and
Barrack Works;

68,787*l.* for
Scientific
Branch;

167,441*l.* for
Non-effective
Ordnance
Services.

There shall
be issued
1,100,000*l.* for
Army and Ord-
nance Services
occasioned by
the *Kaffir* War.

There shall
be issued
17,946,500*l.*
to pay off Ex-
chequer Bills
of 1848;

Sums of Money not exceeding Ninety-one thousand one hundred and thirty-six Pounds, to defray the Expense of Salaries and Contingencies of the Ordnance Office, which may come in course of Payment during the Year ending the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Two hundred thirty-five thousand six hundred and forty-six Pounds, to defray the Expense of Salaries and Contingencies of Establishments in the United Kingdom and Colonies, which may come in course of Payment during the Year ending the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding One hundred fifty-eight thousand five hundred and sixty-seven Pounds, for defraying the Wages of Artificers and Labourers in the United Kingdom and Colonies, which may come in course of Payment during the Year ending the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Four hundred sixty-three thousand seven hundred and forty-three Pounds, to defray the Expense of Ordnance Stores for Land and Sea Service, which may come in course of Payment during the Year ending the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Five hundred eighty-four thousand one hundred and fifty-five Pounds, to defray the Expense of Ordnance and Barrack Works, Buildings and Repair, at home and abroad, which may come in course of Payment during the Year ending the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Sixty-eight thousand seven hundred and eighty-seven Pounds, to defray the Expense of the Scientific Branch, which may come in course of Payment during the Year ending the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding One hundred sixty-seven thousand four hundred and forty-one Pounds, to defray the Expense of the Non-effective Services, Military and Civil, which may come in course of Payment during the Year ending the Thirty-first Day of *March* One thousand eight hundred and forty-nine.

XV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One million one hundred thousand Pounds, to defray the Expenses beyond the ordinary Grants for the Years One thousand eight hundred and forty-six—seven, and One thousand eight hundred and forty-seven—eight, for Army and Ordnance Services occasioned by the *Kaffir* War.

XVI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seventeen millions nine hundred forty-six thousand five hundred Pounds to pay off and discharge Exchequer Bills charged on the Aids of One thousand eight hundred and forty-eight unprovided for.

and any Sum or Sums of Money not exceeding Five hundred thousand Pounds, to discharge the like Amount of Supplies granted for the Service of the Year One thousand eight hundred and forty-seven, or for any preceding Year.

500,000*l.* to discharge Supplies granted for 1847, &c.

XVII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Two hundred sixty-two thousand five hundred and forty-five Pounds, to make good the Deficiency in the Sums provided for the Relief of Distress in *Ireland* and *Scotland* through the Commissariat Department, to the Thirtieth Day of *June* One thousand eight hundred and forty-eight, also to make Provision for Grants to distressed Unions, and for rationing School-children, from the First Day of *July* One thousand eight hundred and forty-eight until the ensuing Harvest; and any Sum or Sums of Money not exceeding One hundred thirty thousand nine hundred and sixty-five Pounds, to defray the Expense incurred in the *British North American* Provinces on account of sick and destitute Emigrants from *Ireland* in the Year One thousand eight hundred and forty-seven.

There shall be issued 262,545*l.*, to make good the Deficiency in Sums for Relief of Distress, *Ireland* and *Scotland*, &c. ;

130,965*l.* for Relief of *Irish* Emigrants in *British North American* Provinces in 1847.

XVIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred and twenty thousand Pounds, to defray the Expense of the Works at the new Houses of Parliament, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding One hundred thousand Pounds, to defray the Charge for Civil Contingencies, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding One hundred twenty thousand nine hundred and twenty-three Pounds, to defray to the Thirty-first Day of *March* One thousand eight hundred and forty-nine the Expense of Works and Repairs of Public Buildings, for Furniture for various Public Departments, and for certain Charges for lighting and watching, and for Rates and Taxes, also for the Maintenance and Repairs of Royal Palaces and Works in the Royal Gardens, formerly charged on the Civil List; and any Sum or Sums of Money not exceeding Thirty thousand Pounds, to defray, in the Year One thousand eight hundred and forty-eight, the Expense of Works for enlarging and improving *Buckingham Palace*; and any Sum or Sums of Money not exceeding Eight thousand four hundred and ten Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine, the Expense of erecting a Palm House, and for other Works, in the Royal Botanic Garden at *Kew*; and any Sum or Sums of Money not exceeding Four thousand two hundred and thirty-four Pounds, to defray the Expense of providing temporary Accommodation for the Houses of Parliament, Committee Rooms, Offices, and temporary official Residences for the Speaker of the House of Commons, and other Officers of the House, to the Thirty-first Day of *March* One thousand eight

There shall be issued 120,000*l.* for new Houses of Parliament ;

100,000*l.* for Civil Contingencies ;

120,923*l.* for Repairs of Public Buildings, Furniture of Public Offices, &c. ;

30,000*l.* for enlarging *Buckingham Palace* ;

8,410*l.* for a Palm House, &c. in the Gardens at *Kew* ;

4,234*l.* for temporary Accommodation for Houses of Parliament, &c. ;

4,050*l.* for
Works in the
Isle of Man ;

12,792*l.* for
Holyhead Har-
bour, &c. ;

131,000*l.* for
Harbours of
Refuge ;

23,167*l.* for
Public Build-
ings, &c. *Ire-*
land ;

8,100*l.* for
Kingstown
Harbour.

There shall be
issued 302,362*l.*
for Stationery,
&c. for Public
Departments ;

57,700*l.* for
the Treasury ;

18,700*l.* for
the Home
Department ;

72,500*l.* for
the Foreign
Department,
&c. ;

27,461*l.* for the
Colonial De-
partment ;

39,000*l.* for the
Privy Council
and Board of
Trade ;

hundred and forty-nine ; and any Sum or Sums of Money not exceeding Four thousand and fifty Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine, the Expense of certain Works and Buildings in the *Isle of Man* ; and any Sum or Sums of Money not exceeding Twelve thousand seven hundred and ninety-two Pounds, for the Services of *Holyhead* Harbour and *Holyhead* and *Shrewsbury* Roads, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine ; and any Sum or Sums of Money not exceeding One hundred thirty-one thousand Pounds, to defray in the Year One thousand eight hundred and forty-eight, the Expense of constructing Harbours of Refuge ; and any Sum or Sums of Money not exceeding Twenty-three thousand one hundred and sixty-seven Pounds, to defray the Expense of maintaining and repairing the several Public Buildings in the Department of the Commissioners of Public Works in *Ireland*, also the Expense of Inland Navigation, and other Services under the Direction of the said Commissioners, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine ; and any Sum or Sums of Money not exceeding Eight thousand one hundred Pounds, to defray the Expense of Works and Repairs at *Kingstown* Harbour, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine.

XIX. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Three hundred and two thousand three hundred and sixty-two Pounds, to defray the Expenses of Stationery, Printing, and Binding for the several Public Departments, including the Expense of the Stationery Office, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine ; and any Sum or Sums of Money not exceeding Fifty-seven thousand seven hundred Pounds, to pay the Salaries and Expenses of the Department of Her Majesty's Treasury, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine ; and any Sum or Sums of Money not exceeding Eighteen thousand seven hundred Pounds, to pay the Salaries and Expenses of the Office of Her Majesty's Secretary of State for the Home Department, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine ; and any Sum or Sums of Money not exceeding Seventy-two thousand five hundred Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Secretary of State for Foreign Affairs, and also of the Queen's Messengers and extra Couriers attached to that Department, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine ; and any Sum or Sums of Money not exceeding Twenty-seven thousand four hundred and sixty-one Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Secretary of State for the Colonies, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine ; and any Sum or Sums of Money not exceeding Thirty-nine thousand Pounds, to pay the Salaries and Expenses in the Departments of Her Majesty's Most Ho-

nourable

nourable Privy Council, and Committee of Privy Council for Trade, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Two thousand Pounds, to pay the Salary of the Lord Privy Seal, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Twenty-five thousand Pounds, to defray the Charge of the Office of Her Majesty's Paymaster General, including the Salaries and Expenses of the Exchequer Bill Pay Office, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Three thousand five hundred and forty Pounds, to defray a Portion of the Expenses of the Ecclesiastical Commissioners for *England*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Eleven thousand three hundred Pounds, to pay the Salaries and Expenses in the Departments of the Comptroller General of the Exchequer, and the Paymaster of Civil Services, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Fourteen thousand and twenty-three Pounds, to pay the Salaries and Expenses connected with the Public Records and Compensations to Keepers of Records and others whose Offices have been abolished, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Fifty thousand two hundred and sixty-eight Pounds, to defray the Expenditure of the Mint, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Five thousand five hundred and forty-six Pounds, to defray the Charge of the Office of the Paymaster of Civil Services in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Forty thousand eight hundred Pounds, to pay the Salaries and Expenses of the Board of Public Works in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Thirty-nine thousand Pounds, to defray the Charge of Her Majesty's Foreign and other Secret Services, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Thirty thousand Pounds, to pay the Salaries and Expenses of the Two Houses of Parliament, and Allowances to retired Officers of the Two Houses, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Two thousand six hundred and eighty Pounds, to defray the Salaries and Expenses of the State Paper Office, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Two hundred and thirty-six thousand Pounds, to defray Expenses connected with the Administration of the Laws relating to the Poor, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum

2,000*l.* for Lord Privy Seal;

25,000*l.* for Office of Paymaster General, &c. ;

3,540*l.* for Ecclesiastical Commissioners for *England*;

11,300*l.* for Comptroller General of Exchequer, &c. ;

14,023*l.* for Public Records, &c. ;

50,268*l.* for the Mint;

5,546*l.* for Paymaster of Civil Services, *Ireland*;

40,800*l.* for Board of Public Works, *Ireland*;

39,000*l.* for Foreign and Secret Services;

30,000*l.* for Salaries, &c. for both Houses of Parliament;

2,680*l.* for State Paper Office;

236,000*l.* for Administration of Poor Laws;

10,670*l.* for
Commissioners
of Railways ;

12,514*l.* for
Salaries, &c.
of Inspectors
of Factories, &c. ;

1,755*l.* Salaries
of Officers, Scot-
land, &c. ;

6,464*l.* for
Officers,
&c. of Lord
Lieutenant
of Ireland ;

22,658*l.* for
Offices of
Chief Secretary,
&c., Ireland. ;

There shall be
issued 9,600*l.*
for Prosecutions
under Laws
relating to Coin ;

16,000*l.* for Ex-
penses of Sher-
iffs, Salaries of
Officers of the
Exchequer, &c. ;

13,155*l.* Park-
hurst Prison ;

17,204*l.* for Pen-
tonville Prison ;

45,394*l.* for
Millbank Prison ;

8,707*l.* for
Perth Prison ;

Sum or Sums of Money not exceeding Ten thousand six hundred and seventy Pounds, to defray the Charge of the Office of the Commissioners of Railways, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Twelve thousand five hundred and fourteen Pounds, to pay the Salaries and Expenses of the Inspectors of Factories, Mines, &c., to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding One thousand seven hundred and fifty-five Pounds, to pay the Salaries of certain Officers in *Scotland*, and other Charges formerly paid from the Hereditary Revenue, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Six thousand four hundred and sixty-four Pounds, to defray the Charge of the Salaries of the Officers and Attendants of the Lord Lieutenant of *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Twenty-two thousand six hundred and fifty-eight Pounds, to pay the Salaries and Expenses of the Chief Secretary to the Lord Lieutenant of *Ireland*, in *London* and *Dublin*, and the Privy Council Office in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine.

XX. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Nine thousand six hundred Pounds, to defray the Expenses connected with the Prosecution of Offenders against the Laws relating to the Coin, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Sixteen thousand Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine, the Expenses incurred by Sheriffs, the Deficiency in the Fees in the Office of the Queen's Remembrancer in the Exchequer, the Salaries and ancient Allowances to certain Officers of the Court of Exchequer, and certain Expenses of the Queen's Prison; and any Sum or Sums of Money not exceeding Thirteen thousand one hundred and fifty-five Pounds, to defray the Expenses of the Prison for Juvenile Offenders at *Parkhurst* in the *Isle of Wight*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Seventeen thousand two hundred and four Pounds, to defray the Expenses of the Prison at *Pentonville*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Forty-five thousand three hundred and thirty-four Pounds, to defray the Expenses of the *Millbank* Prison, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Eight thousand seven hundred and seven Pounds, to defray the Expense of the General Prison at *Perth*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not

not exceeding Sixty-three thousand four hundred and seventy-five Pounds to defray Law Expenses in *Scotland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Seventy-one thousand nine hundred and ninety-one Pounds, to defray the Expense of Criminal Prosecutions and other Law Charges in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Thirty-six thousand five hundred Pounds, towards defraying the Expense of the Metropolitan Police of *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Nine thousand Pounds, to defray Law Charges, and the Salaries, Allowances, and incidental Expenses in the Office of the Solicitor for the Affairs of Her Majesty's Treasury, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Ten thousand six hundred and thirty Pounds, to defray the Salaries and Expenses of the Commissioners of the Insolvent Debtors Court to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Three hundred and forty-eight thousand Pounds, to defray, in the Year One thousand eight hundred and forty-eight, certain Charges formerly paid out of the County Rates, &c.; and any Sum or Sums of Money not exceeding Six hundred and seventy-nine Pounds, towards defraying the Expense of maintaining the Convict Depôt in *Dublin*, and the Constabulary Barracks in the *Phoenix Park* to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Four thousand two hundred and two Pounds, to defray the Expense of confining and maintaining Criminal Lunatics in the Buildings attached to *Bethlem Hospital*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money, not exceeding Ten thousand two hundred and fifty Pounds, to pay the Salaries and Expenses of the Inspectors of Prisons, of the Prison Board in *Scotland*, and of the Inspectors of Lunatic Asylums in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding One hundred fifty-one thousand Pounds, to defray the Expense of the Convict Establishment at Home, at *Bermuda*, and at *Gibraltar*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Two hundred and seventeen thousand Pounds, to defray the Expense of Convicts in *New South Wales* and *Van Diemen's Land*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to defray further Expenses that will probably be incurred for the Maintenance of Convicts in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine.

63,475*l.* for Law Expenses, *Scotland*;

71,991*l.* for Law Expenses, *Ireland*;

36,500*l.* for the Police of *Dublin*;

9,000*l.* for Law Charges, &c. in the Office of Solicitor to the Treasury;

10,630*l.* for Insolvent Debtors Court;

348,000*l.* for Charges formerly paid out of County Rates;

679*l.* for Convict Depôts in *Dublin*, &c.;

4,202*l.* for Criminal Lunatics;

10,250*l.* Inspectors of Prisons; &c.;

151,000*l.* for Convicts at home, &c.;

217,000*l.* for Convicts at *New South Wales*, &c.;

10,000*l.* for Maintenance of Convicts, *Ireland*.

There shall
be issued
120,000*l.* for
Education,
Ireland;

10,000*l.* School
of Design &c. ;

6,000*l.* for Royal
Dublin Society;

10,798*l.* for
Geological
Survey, &c. ;

48,445*l.* for
British Museum;

125,000*l.* for
Public Edu-
cation ;

2,006*l.* for
certain Pro-
fessors at *Oxford*
and *Cambridge*;

4,178*l.* for *Lon-
don University*;

7,480*l.* for
Grants to Scot-
tish Univer-
sities ;

300*l.* for Royal
Irish Academy;

300*l.* for Royal
Hibernian
Academy ;

3,442*l.* *Belfast*
Academical
Institution ;

42,038*l.* for
Buildings at
British Museum;

XXI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred and twenty thousand Pounds, to enable the Lord Lieutenant of *Ireland* to issue Money for the Advancement of Education in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to defray the Expenses of the School of Design, and for Aid to Provincial Schools, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Six thousand Pounds, towards defraying the Expense of the Royal *Dublin Society*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Ten thousand seven hundred and ninety-eight Pounds, to defray the Expenses of the Geological Survey of *Great Britain* and *Ireland*, the Museum of Practical Geology in *London*, and the Museum of *Irish Industry* in *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Forty-eight thousand four hundred and forty-five Pounds, to defray the Charges of the *British Museum* for the Year ending on the Twenty-fifth Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding One hundred and twenty-five thousand Pounds, for public Education in *Great Britain*, in the Year One thousand eight hundred and forty-eight; and any Sum or Sums of Money not exceeding Two thousand and six Pounds, to defray the Charge of Salaries and Allowances to certain Professors in the Universities of *Oxford* and *Cambridge*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Four thousand one hundred and seventy-eight Pounds, to defray the Expenses of the University of *London*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Seven thousand four hundred and eighty Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine, Grants to *Scottish Universities*, formerly defrayed from the Hereditary Revenues of the Crown; and any Sum or Sums of Money not exceeding Three hundred Pounds, towards defraying the Expense of the Royal *Irish Academy*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Three hundred Pounds, towards defraying the Expense of the Royal *Hibernian Academy* to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Three thousand four hundred and forty-two Pounds, towards defraying the Expense of the *Belfast Academical Institution*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Forty-two thousand and thirty-eight Pounds,

Pounds, to defray the Expense of new Buildings and Fittings at the *British Museum*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Eight thousand seven hundred and sixty-six Pounds, to enable the Trustees of the *British Museum* to defray Expenses incurred in procuring Antiquities and Works of Art for the Museum; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, to defray in the Year One thousand eight hundred and forty-eight the Expenses of the National Gallery; and any Sum or Sums of Money not exceeding Five thousand two hundred and sixty-seven Pounds, to defray the Expense of Magnetic Observatories at *Toronto*, *Saint Helena*, the *Cape of Good Hope*, and *Van Diemen's Land*, also for Observations and Services carrying on under the Direction of the Astronomer Royal, and other scientific Works and Publications, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Two thousand Pounds, towards defraying, in the Year One thousand eight hundred and forty-eight—forty-nine, the Expense of completing the Monument erected in *Trafalgar Square* to the Memory of Lord *Nelson*.

8,766*l.* for Antiquities for ditto, &c.;

1,500*l.* for National Gallery;

5,267*l.* for Observatories at *Toronto*, &c.;

2,000*l.* for completing Monument to Lord *Nelson*.

XXII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred twenty-three thousand one hundred and ninety Pounds, to defray the Charge of the Consular Establishment abroad, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Twenty thousand Pounds for extraordinary Disbursements of Her Majesty's Missions abroad, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Three thousand four hundred and ten Pounds, to defray the Charge of the Civil Establishment of the *Bahama Islands*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Four thousand and forty-nine Pounds, to defray the Charge of the Civil Establishment of the *Bermudas* to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Three thousand and seventy Pounds, to defray the Charge of the Civil Establishment of *Prince Edward's Island*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Four hundred Pounds, to defray the Charge of the Establishment at *Sable Island* for the Relief of shipwrecked Persons, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Thirteen thousand six hundred and eighty Pounds, to defray the Charge of the Civil Establishment on the Western Coast of *Africa*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Eleven thousand five hundred Pounds, to defray the

There shall be issued 123,190*l.* for Consular Establishment;

20,000*l.* for Missions abroad;

3,410*l.* for Civil Establishment of the *Bahama Islands*;

4,049*l.* for ditto of the *Bermudas*;

3,070*l.* for ditto of *Prince Edward's Island*;

400*l.* for *Sable Island*, &c.;

13,680*l.* for Civil Establishments on the Western Coast of *Africa*;

11,500*l.* for *St. Helena*;

7,538*l.* for *West-
ern Australia*;

2,725*l.* for
Port Essington;

5,040*l.* for
the *Falkland
Islands*;

20,000*l.* for
New Zealand;

9,827*l.* for
Labuan;

1,023*l.* for
Heligoland;

18,028*l.* for
*West India
Colonies*;

11,578*l.* for
Ecclesiastical
Establishment
of *North Ame-
rican Colonies*;

14,308*l.* for *In-
dian Depart-
ment in Canada*;

13,451*l.* for
Colonial Land
and Emigration
Board, &c.;

41,150*l.* for
Justices in *West
Indies*, &c.;

30,000*l.* for Sup-
port of captured
Negroes, &c.;

the Charge of the Civil Establishment of *Saint Helena*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Seven thousand five hundred and thirty-eight Pounds, to defray the Charge of the Settlement of *Western Australia*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Two thousand seven hundred and twenty-five Pounds, to defray the Charge of the Settlement at *Port Essington*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Five thousand and forty Pounds, to defray the Charge of the Civil Establishment of the *Falkland Islands*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to defray the Charge of the Colony of *New Zealand*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Nine thousand eight hundred and twenty-seven Pounds, to defray the Charge of the Government of *Labuan*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding One thousand and twenty-three Pounds, to defray the Charge of the Civil Establishment of *Heligoland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Eighteen thousand and twenty-eight Pounds, to defray the Charge of the Salaries of the Governors, Lieutenant Governors, and others in the *West India Colonies*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Eleven thousand five hundred and seventy-eight Pounds, to defray the Expense of the Ecclesiastical Establishment of the *British North American Colonies*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Fourteen thousand three hundred and eight Pounds, to defray the Charge of the *Indian Department in Canada*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Thirteen thousand four hundred and fifty-one Pounds, to defray the Charge of the Colonial Land and Emigration Board, and other Expenses connected with Emigration, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Forty-one thousand one hundred and fifty Pounds, to defray the Charge of the Salaries, Allowances, and Contingencies of the Stipendiary Justices in the *West India Colonies* and the *Mauritius*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Thirty thousand Pounds, to defray Expenses incurred for the Support of captured Negroes and liberated *Africans*, and other Charges, under the Acts for the Abolition of the Slave Trade, to the Thirty-first Day of *March*

March One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Twenty-three thousand Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine, the Salaries and contingent Expenses of the Mixed Commissions established on the Part of Her Majesty under the Treaties with Foreign Powers for suppressing the Traffic in Slaves; and any Sum or Sums of Money not exceeding Forty-nine thousand four hundred Pounds, to defray the Charge of the *British* Settlement at *Hong Kong*, and the Consular Establishments at the Five Ports open to *British* Trade in *China*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine.

23,000*l.* for Commissions for suppressing the Slave Trade;

49,400*l.* for *British* Settlement at *Hong Kong*, &c.

XXIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seventy-seven thousand two hundred Pounds, to defray the Charge of Superannuation Allowances and Compensations to Persons formerly employed in the Public Service, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Thirty-six thousand eight hundred and thirty-seven Pounds, to defray the Expense of Non-conforming, Seceding, and Protestant Dissenting Ministers in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Fourteen thousand nine hundred and seventy-five Pounds, towards defraying the Expense of the House of Industry, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Seven thousand one hundred and seventy-seven Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine, Charitable Allowances charged on the Concordatum Fund in *Ireland*, and other Allowances and Bounties; and any Sum or Sums of Money not exceeding Four thousand four hundred Pounds, to enable Her Majesty to grant Relief, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine, to *Toulonese* and *Corsican* Emigrants, *St. Domingo* Sufferers, *American* Loyalists, and others who have heretofore received Allowances from Her Majesty; and any Sum or Sums of Money not exceeding Two thousand Pounds, to defray the Expense of the National Vaccine Establishment, for the Year One thousand eight hundred and forty-eight; and any Sum or Sums of Money not exceeding Three thousand Pounds, towards the Support of the Refuge for the Destitute, in the Year One thousand eight hundred and forty-eight; and any Sum or Sums of Money not exceeding Ten thousand seven hundred Pounds, for Payment of the Subsistence of the *Polish* Refugees, and Allowances to distressed *Spaniards*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Six thousand six hundred and sixty-nine Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine, Miscellaneous Allowances formerly defrayed from the Civil List, the Hereditary Revenues,

There shall be issued 77,200*l.* for Superannuations, &c. to Public Officers;

36,837*l.* for Protestant Dissenting Ministers, *Ireland*;

14,975*l.* for House of Industry, *Dublin*;

7,177*l.* for Charitable Allowances, *Ireland*;

4,400*l.* for *Toulonese* and *Corsican* Emigrants, &c.;

2,000*l.* for National Vaccine Institution;

3,000*l.* for Refuge for Destitute;

10,700*l.* for *Polish* Refugees, &c.;

6,669*l.* to pay Allowances formerly paid from Civil List, &c.;

3,000*l.* for
Foundling Hos-
pital, *Dublin*;

1,000*l.* for
Female Orphan
House, *Dublin*;

2,500*l.* for
Westmoreland
Lock Hospital;

1,000*l.* for Ly-
ing-in Hospital,
Dublin;

1,500*l.* for Dr.
Steven's Hos-
pital;

3,800*l.* for
House of Re-
covery, &c.,
Dublin;

500*l.* for Hos-
pital for Incur-
ables, *Dublin*.

There shall be
issued 50,000*l.*
for Steam Com-
munication to
India;

3,400*l.* for
Criminal Law
Commission;

2,500*l.* for
Sanitary Com-
mission;

32,000*l.* for cer-
tain Navigation
Works, *Ireland*;

1,184*l.* for
British Ambassa-
dor's House
at *Paris*;

3,000*l.* for *Bri-*
tish Ambassa-
dor's House at
Madrid;

16,000*l.* for
Militia, *Canada*;

Revenues, &c., for which no permanent Provision has been made by Parliament; and any Sum or Sums of Money not exceeding Three thousand Pounds, to defray the Expense of the Foundling Hospital, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding One thousand Pounds, towards defraying the Expense of the Female Orphan House, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to defray the Expense of the *Westmoreland* Lock Hospital, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding One thousand Pounds, towards defraying the Expense of the Lying-in Hospital, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, towards defraying the Expense of Doctor *Steven's* Hospital, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Three thousand eight hundred Pounds, towards defraying the Expense of the House of Recovery and Fever Hospital, *Cork Street, Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Five hundred Pounds, towards defraying the Expense of the Hospital for Incurables, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine.

XXIV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Fifty thousand Pounds, towards defraying the Expense of Steam Communication to *India* by way of the *Red Sea*, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Three thousand four hundred Pounds, to defray, for One Year, the Expenses of the Commission for digesting the Criminal Law; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to defray the Expenses of the Metropolitan Sanitary Commission; and any Sum or Sums of Money not exceeding Thirty-two thousand Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine, One Moiety of the Cost of certain Works of Navigation connected with Drainage in *Ireland*; and any Sum or Sums of Money not exceeding One thousand one hundred and eighty-four Pounds, to defray, in the Year One thousand eight hundred and forty-eight—forty-nine, the Charge of Works and Repairs to the *British* Ambassador's House at *Paris*; and any Sum or Sums of Money not exceeding Three thousand Pounds, to defray, in the Year One thousand eight hundred and forty-eight—forty-nine, the Charge of Works and Repairs to the *British* Ambassador's House at *Madrid*; and any Sum or Sums of Money not exceeding Sixteen thousand Pounds, to defray, in the Year One thou-
sand

sand eight hundred and forty-eight—forty-nine, the Expense of Militia and Volunteers in *Canada*; and any Sum or Sums of Money not exceeding Two thousand Pounds, to defray, in the Year One thousand eight hundred and forty-eight, the Expense of erecting a Lighthouse at *Barbadoes*; and any Sum or Sums of Money not exceeding Twenty-two thousand five hundred Pounds, to defray the Expense of Medals to record the Services of the *British* Army and Navy from the Commencement of the War in One thousand seven hundred and ninety-three down to the Peace of One thousand eight hundred and fourteen; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, for Remuneration to Lieutenant *Waghorn* of the Royal Navy, for his Services in ascertaining the Practicability of the Route to *Alexandria* viâ *Trieste*, for the Conveyance of the *Indian* Mails; and any Sum or Sums of Money not exceeding Twelve thousand Pounds, towards defraying, to the Thirty-first Day of *March* One thousand eight hundred and forty-nine, the Expenses of rebuilding the *British* Ambassador's House at *Constantinople*.

2,000*l.* for a Lighthouse at *Barbadoes*;

22,500*l.* for Medals for Army and Navy Services from 1793 to 1814;

1,500*l.* for Remuneration to Lieut. *Waghorn*, R. N.;

12,000*l.* for *British* Ambassador's House at *Constantinople*.

XXV. And it is hereby also enacted, That the said Aids and Supplies provided as aforesaid shall not be issued or applied to any Use, Intent, or Purpose whatsoever, other than the Uses, Intents, and Purposes before mentioned, or for the other Payments directed to be satisfied thereout by any Act or Acts, or any particular Clause or Clauses for that Purpose contained in any other Act or Acts of this Session of Parliament.

Supplies to be applied only for the Purposes aforesaid.

XXVI. And it is hereby also enacted, That the respective Departments charged with the detailed Application of the Sums granted by this Act for Navy, Army, and Ordnance Services shall confine the Expenditure of their respective Departments within the particular Amounts appropriated to each of the separate Services comprised in the Sum of Seven millions five hundred eighteen thousand six hundred and ten Pounds for Naval Services in the Sum of Seven millions thirty-seven thousand seven hundred and ninety-five Pounds for Army Services, and in the Sum of Two millions eight hundred and one thousand seven hundred and sixty Pounds for Ordnance Services: Provided always, that if the Exigencies of the Public Service shall render it indispensably necessary to alter the Proportions assigned to any of the separate Services comprised in the aggregate Sum granted by this Act for Naval Services, for Army Services, or for Ordnance Services, the Department in which such Necessity shall have arisen shall represent the Circumstances which may have led to it in Writing to the Commissioners of Her Majesty's Treasury, and it shall be lawful for such Department, on Her Majesty's Pleasure to that Effect being signified by the Commissioners of Her Majesty's Treasury, or any Three or more of them for the Time being, to apply in aid of the deficient Grant a further limited Sum out of any Surplus or Surpluses under other Heads of Service in the same Department: Provided always, that the aggregate Sum of Seven millions five hundred eighteen thousand six hundred and ten Pounds granted

Expenditure for Navy, Army, and Ordnance Services respectively to be confined to the separate Services for which granted.

Treasury may, on Application, alter the proportionate Amounts for such separate Services, provided the total Grant to each Department be not exceeded.

by this Act for Naval Services, of Seven millions thirty-seven thousand seven hundred and ninety-five Pounds for Army Services, or of Two millions eight hundred and one thousand seven hundred and sixty Pounds for Ordnance Services, shall not be exceeded.

Rules to be observed in the Application of the Sum appropriated to Half Pay.

XXVII. And as to the Sum of Four hundred and six thousand Pounds by this Act appropriated on account of Half Pay as aforesaid, it is hereby enacted and declared, That the Rules hereafter prescribed shall be duly observed in the Application of the said Half Pay; (that is to say,) that no Person shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrants directing the Issue of the Half Pay to be received; that no Person shall have or receive any Part of the same who was under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he served was reduced; that no Person shall have or receive any Part of the same who did not do actual Service in some Regiment, Battalion, Troop, or Company in Her Majesty's Service, except in Cases in which the Commission was received under Circumstances which did not, according to the Regulations of the Army, require the Officer to serve; that no Person shall have or receive any Part of the same who has resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment, except to such Person as would have been otherwise entitled thereto as a reduced Officer; that no Person shall have or receive any Part of the same for any Time during which he shall hold any other Military Place or Employment of Profit under Her Majesty, or in Her Majesty's Colonies or Possessions beyond the Seas, except on the Staff or in Garrison, and that in such excepted Cases, or in Cases of his holding any Military Place or Employment of Profit under another Government, no Officer shall receive any Part of his Half Pay, unless with Her Majesty's Approbation, to be signified by the Secretary at War to the Paymaster General, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the other Military Place or Employment of Profit on the Staff or in Garrison which he may hold or have held under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government; that no Person who shall, on or before the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, have held any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, except in Cases in which the same shall not exceed Three Times the Amount of the highest Rate of Half Pay attached to the Rank in virtue of

of which he claims to receive Half Pay, or as herein-after mentioned, nor in any such excepted Cases unless Her Majesty's special Approbation be signified as aforesaid, and the Officer claiming the Half Pay in pursuance of such Approbation shall signify in his Declaration the Civil Place or Employment of Profit which he may hold or have held as aforesaid; but if the net annual Emoluments of such Civil Place or Employment shall exceed Three Times the Amount of Half Pay as aforesaid, and shall fall short of Four Times that Amount, then it shall be lawful for the Paymaster General, with Her Majesty's Approbation, signified by the Secretary at War as aforesaid, to issue, on or before the Twenty-fourth Day of *December* One thousand eight hundred and forty-eight, so much of the Half Pay claimed by any such Officer as shall, together with the net annual Emoluments of the Civil Place or Employment, be equal to Four Times the Amount of such Half Pay, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the Civil Place or Employment of Profit which he may have held as aforesaid, and the actual Amount of the Emoluments thereof, in such Manner and Form, and calculated up to such Period or Periods, as shall be required by the Secretary at War; but no Person who after the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight has been appointed to any Civil Place or Employment of Profit (except in Her Majesty's Household) under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit (except as aforesaid) under Her Majesty beyond the Seas, or under any other Government, other than that of a Barrack Master under the Master General and the Board of Ordnance, who shall, under the Restrictions before mentioned, be entitled to receive his Half Pay: Provided always, that nothing in this Act contained shall prevent any Person from receiving his Half Pay who shall be entitled to the same under any Act or Acts relating to the General or Local Militia or the Yeomanry or Volunteers, but that every such Person shall receive the same according to the Provisions of any such Act or Acts; and also every Surgeon, Serjeant Major, Serjeant, Corporal, and Private serving in the General or Local Militia, or in any Corps of Yeomanry or Volunteers in *Great Britain or Ireland*, may and shall receive any Half Pay, together with any Pay in the General or Local Militia, or Yeomanry or Volunteers, upon making and subscribing a Declaration in any Case in which an Oath or Declaration shall be required in and by any Act or Acts, or specified in any Warrant of Her Majesty, as the Case may be, and stating in such Declaration the Commission or Employment which he held in the General or Local Militia, the Yeomanry or Volunteers: Provided always, that from and after the First Day of *January* One thousand eight hundred and forty-nine it shall be lawful for the Paymaster General to issue the Half Pay or any Portion thereof to any

Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c.

Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers ap-

pointed to Civil
Offices since
July 1828.

An Account of
the Number of
Officers so
receiving Half
Pay to be laid
before Parlia-
ment.

Treasury may
authorize Mili-
tary Officers in
Civil Employ-
ments to receive
Half Pay in
certain Cases.

Persons con-
cerned in is-
suing, paying,
and receiving
Money for the
Payment of
Half Pay, with-
out the Oaths
having been
taken as re-
quired, indem-
nified.

10 & 11 Vict.
c. 107.

Officers appointed to Civil Place or Employment under Her Majesty, or under any other Government, since the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, if Her Majesty's Pleasure to that Effect be signified by the Commissioners of Her Majesty's Treasury, or any Three or more of them, through the Secretary at War, but such Permission to be granted under the Restrictions before mentioned: Provided always, that an Account shall be laid before Parliament in every Year, on or before the First Day of *April* if Parliament shall be then sitting, or, if Parliament shall not then be sitting, on the First Day of the Sitting of Parliament after the First Day of *April*, of the Number of Officers who are allowed to receive their Half Pay with Civil Employments, specifying the Names of such Officers, with the respective Amounts of their Half Pay and the Emoluments of their respective Civil Employments, and distinguishing in every such Account the Officers to whom such Half Pay shall have been allowed subsequent to preceding Accounts.

XXVIII. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them for the Time being, to authorize the receiving Half Pay by Military Officers with Civil Employments in any Cases in which the said Commissioners shall be of opinion that the Employment of such Military Officers in the Colonies, or elsewhere, in Civil Situations of Responsibility, with small Emoluments, will be conducive to Economy, and thereby beneficial to the Public Service; and in every such Case the Officer authorized to receive Half Pay with the Salary or Emolument of any Civil Employment shall signify the same in his Declaration, specifying the Office, and the Authority under which he is so allowed to receive his Half Pay.

XXIX. ' And whereas a considerable Part of the Money ' appropriated on account of Half Pay by an Act passed in the ' Tenth and Eleventh Years of the Reign of Her present Ma- ' jesty, intituled *An Act to apply a Sum out of the Consolidated ' Fund, and certain other Sums, to the Service of the Year One thou- ' sand eight hundred and forty-seven, and to appropriate the Supplies ' granted in this Session of Parliament*, has been issued without ' requiring, by Persons issuing or paying, and without the taking ' by the Persons receiving Half Pay, the Oaths or Declarations ' prescribed to be taken by Officers claiming Half Pay; and ' Part of the said Monies has been paid to Officers claiming or ' entitled to Half Pay who at the same Time held and may still ' hold the Situation of and serve respectively as Surgeons, ' Serjeant Majors, Serjeants, Corporals, or Privates in the ' General or Local Militia, or Yeomanry or Volunteer Corps, in ' *Great Britain or Ireland*, and it is expedient that all such Per- ' sons should be indemnified: Be it therefore enacted, That all Persons concerned in the advising, authorizing, or directing the issuing, or in the issuing of any Half Pay, or any Monies for Half Pay, or in the Application of any Money appropriated by the said Act for that Purpose, or in receiving or being concerned in

in the receiving any Portion of the Money so appropriated for such Half Pay, without requiring or taking the said Oaths or Declarations, or to or on account of any such Officers or Persons as aforesaid, shall be and are hereby fully exonerated and discharged from all Penalties, Forfeitures, Prosecutions, or Proceedings in respect of anything done in relation thereto, in all Cases in which such Half Pay, or Payment for or in respect of such Half Pay, shall have been or may hereafter be issued or received in conformity with the Provisions of the said recited Act or this Act, and the Usages heretofore established or observed in relation to the issuing, paying, and receiving of Half Pay in all other respects, except so far as relates to the demanding, requiring, or taking the said Oaths or Declarations; and all such Payments and Issues of Half Pay which shall have been or may be issued to any such Person as aforesaid shall be deemed valid and effectual Payments, and the Paymaster General, and all other Persons concerned in the issuing and paying the same, shall be and are hereby fully indemnified, and shall be and are hereby fully discharged and exonerated, in respect thereof, in all Accounts relating to such Issues and Payments; anything in any Act or Acts, or any Laws, Rules, or Regulations relating to the issuing and paying of Half Pay, to the contrary notwithstanding.

XXX. 'And whereas the Royal Regiment of *Manx* Fencibles engaged to serve in the said Corps upon a Stipulation contained in the Letter of Service under which they were raised, that they should be allowed to receive any Half Pay to which they might be entitled notwithstanding their holding Subaltern Commissions in the said Corps; but no Provision has been made by Parliament for Payment of such Half Pay, and it is therefore expedient that Provision should be now made for the Arrears of Half Pay to such Officers as aforesaid: Be it therefore enacted, That Officers who were entitled to Half Pay, and who accepted or held Subaltern Commissions in the Royal Regiment of *Manx* Fencibles, shall, notwithstanding their having held the Full Pay of such Commissions, be entitled to receive the Arrears of such Half Pay for any Year or Time in which they shall not have been allowed to receive the same, upon making and subscribing a Declaration before any Person hereby authorized to administer a Declaration to Persons for the Purpose of receiving Half Pay, that they had not, in any Year or Time for which such Arrear is claimed, any Office or Employment of Profit, Civil or Military, under Her Majesty, besides their Allowance of Half Pay, save and except their Pay as such Subaltern Officers of the Royal Regiment of *Manx* Fencibles; and the making and subscribing the said Declaration shall, without making and subscribing any other Declaration, be sufficient to entitle such Officer to receive his Half Pay.

Half Pay
allowed to the
Officers of the
Manx Fencibles.

XXXI. 'And whereas Chaplains of Regiments who have been placed upon Half Pay have not been allowed to receive such Half Pay in some Years, in consequence of being in possession at the Time of certain Ecclesiastical Benefices or Pre-
ferments,

Half Pay
Allowances to
Chaplains of
Regiments not
being in possession of Eccle-

siastical Bene-
fices derived
from the Crown.

‘ferments, though the same were not in the Patronage of the
‘Crown: And whereas it has been judged fair and reasonable
‘that they should be allowed to receive such Half Pay, though
‘in possession of Ecclesiastical Preferment, provided the same
‘was private Patronage, and not derived from the Crown; and
‘that they should be entitled to receive the Arrears of Half Pay
‘for such former Years as aforesaid:’ Be it therefore enacted,
That all Chaplains who, after having been placed on Half Pay,
shall have been refused or been unable to receive such Half Pay
in any Year, in consequence of holding any Ecclesiastical Bene-
fice not derived from or in the Gift of the Crown, shall be
entitled to receive the Arrears of such Half Pay for such Year,
upon making and subscribing a Declaration, before the proper
Officer for administering Declarations to Persons for entitling
them to receive Half Pay, that they held no Ecclesiastical
Benefice or Preferment in any Year derived from the Crown,
nor any Place or Employment of Profit under Her Majesty; and
the making and subscribing the said Declaration shall, with-
out making and subscribing any other Declaration, be sufficient
to entitle such Chaplain to receive his Half Pay.

By 10 & 11 Vict.
c. 107. a Sum was
appropriated to
be paid to Half
Pay Officers,
the Surplus of
which is hereby
authorized to
be disposed of
as Her Majesty
shall direct.

XXXII. ‘And whereas by the said recited Act passed in the
‘Tenth and Eleventh Years of the Reign of Her present Ma-
‘jesty the several Supplies which had been granted to Her
‘Majesty as therein mentioned were appropriated to the several
‘Uses and Purposes therein expressed, amongst which any Sum
‘or Sums of Money not exceeding Four hundred and twenty
‘thousand Pounds in the whole was appropriated to be paid on
‘account of Half Pay for the Year One thousand eight hundred
‘and forty-seven, subject nevertheless to such Rules to be
‘observed in the Application of the said Half Pay as in and by
‘the aforesaid Act were prescribed in that Behalf:’ Now it is
hereby provided, enacted, and declared, That so much of the
said Sum of Four hundred and twenty thousand Pounds as is or
shall be more than sufficient to satisfy the said reduced Officers
according to the Rules to be observed in the Application thereof,
or any Part of such Overplus, shall and may be disposed of to
such Officers who are maimed or have lost their Limbs in the
late War, or such others as by reason of their long Service, or
otherwise, Her Majesty shall judge to be proper Objects of
Charity, or to the Widows or Children of such Officers, accord-
ing to such Warrant or Warrants, under Her Majesty’s Royal
Sign Manual, as shall be signed in that Behalf; anything in
this Act or the said Act to the contrary notwithstanding.

Widows and
Persons claim-
ing Pensions
shall make the
required Decla-
ration.

XXXIII. And as to the Sum of One hundred twenty-nine
thousand five hundred and thirty-one Pounds by this Act appro-
priated for defraying the Charge of Pensions to be paid to the
Widows of Officers of Her Majesty’s Land Forces as aforesaid,
and as to the Sum of Ninety-eight thousand Pounds by this Act
appropriated for defraying the Charge of Allowances on the
Compassionate List, of Allowances as of Her Majesty’s Royal
Bounty, and of Pensions to Officers for Wounds as aforesaid, it
is hereby enacted and declared, That no Widow of an Officer of
the

the Land Forces, and no Person claiming an Allowance on the Compassionate List, or of Allowances as of Her Majesty's Royal Bounty, shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrant directing the Issue of such Pensions and Allowances so to be received.

XXXIV. And be it enacted, That every such Declaration shall and may be made and subscribed before any One or more of Her Majesty's Justices of the Peace, or before the resident Minister of the Established Church in any Parish in *England, Scotland, or Ireland*, or before any of the Persons appointed to examine Vouchers in the Office of the Paymaster General, in the Manner, and under the Pains, Penalties, and Forfeitures, specified in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty, for the Abolition of unnecessary Oaths.

Declarations
to be made as
specified in
5&6W. 4. c. 62.

CAP. CXXVII.

An Act to reduce the Duties on Copper and Lead.
[5th September 1848.]

‘ WHEREAS it is expedient to reduce the Duty now payable upon the Importation of Copper and Lead into the United Kingdom:’ Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, in lieu and instead of the Duties of Customs now payable upon the Articles mentioned in the Table to this Act annexed, there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, upon the said Articles imported into the United Kingdom only, the several Duties of Customs respectively inserted, described, and set forth in Figures in the Table to this Act annexed.

After passing of
this Act Duties
mentioned in
Table annexed
to be substituted
for those now
payable.

II. And be it enacted, That all such Goods as are enumerated in the said Table as shall have been warehoused without Payment of Duty upon the first Importation thereof, and which shall be in the Warehouse at the Commencement of the Duties imposed by this Act, shall be deemed and taken to be liable to such Duties.

Goods enumer-
ated in Table
warehoused
without Pay-
ment of Duty
to be liable.

III. And be it enacted, That the Duties by this Act imposed shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, recovered, and applied, or appropriated under the Provisions of any Act or Acts now in force or hereafter to be made relating to the Customs.

Duties by this
Act imposed
to be under
Management of
the Customs.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be
amended, &c.

TABLE referred to in this Act.

	£	s.	d.
Copper, Ore of, per Ton - - -	0	1	0
— Regulus of, per Ton - - -	0	1	0
— Old, fit only to be manufactured, per Ton	0	2	6
— Unwrought; viz. in Bricks or Pigs, Rose Copper, and all cast Copper, per Ton	0	2	6
— Part wrought; viz. Bars, Rods, or Ingots, hammered or raised, per Ton -	0	2	6
— in Plates and Copper Coin, per Ton -	0	2	6
Lead, Pig and Sheet, per Ton - - -	0	2	6

CAP. CXXVIII.

An Act for carrying into effect the Agreement between Her Majesty and the Imaum of *Muscat* for the more effectual Suppression of the Slave Trade.

[5th September 1848.]

‘ WHEREAS on the Second Day of *October* in the Year of
‘ our Lord One thousand eight hundred and forty-five an
‘ Agreement was concluded and signed at *Zanzibar* between
‘ Captain *Athins Hamerton* of Her Majesty’s Royal Navy, on
‘ behalf of Her Majesty the Queen of the United Kingdom
‘ of *Great Britain* and *Ireland*, and His Highness *Seid Saïd*
‘ *Bin Sultan*, the Imaum of *Muscat*, whereby it was agreed as
‘ follows:

‘ ARTICLE I.—His Highness the Sultan of *Muscat* hereby
‘ engages to prohibit, under the severest Penalties, the
‘ Export of Slaves from his *African* Dominions, and to
‘ issue Orders to his Officers to prevent and suppress such
‘ Trade.

‘ ARTICLE II.—His Highness the Sultan of *Muscat* further
‘ engages to prohibit, under the severest Penalties, the Im-
‘ portation of Slaves from any Part of *Africa* into his Pos-
‘ sessions in *Asia*, and to use his utmost Influence with all
‘ the Chiefs of *Arabia*, the *Red Sea*, and the *Persian Gulf*,
‘ in like Manner to prevent the Introduction of Slaves from
‘ *Africa* into their respective Territories.

‘ ARTICLE III.—His Highness the Sultan of *Muscat* grants
‘ to the Ships of Her Majesty’s Navy, as well as those of
‘ the *East India* Company, Permission to seize and confis-
‘ cate any Vessels the Property of his Highness or of his
‘ Subjects carrying on Slave Trade, excepting such only
‘ as are engaged in the Transport of Slaves from one Port
‘ to another of his own Dominions in *Africa*, between the
‘ Port of *Lamoo* to the North, and its Dependencies, the
‘ Northern Limit of which is the North Point of *Kaylee*
‘ Island in 1° 57’ South Latitude, and the Port of *Keeba*

‘ to the South, and its Dependencies, the Southern Limit
 ‘ of which is the *Songa Manara* or *Pagoda Point*, in 9° 2’
 ‘ South Latitude, including the Islands of *Zanzibar*, *Pemba*,
 ‘ and *Monfea*.

‘ ARTICLE IV.—This Agreement to commence and have
 ‘ effect from the First Day of *January* One thousand eight
 ‘ hundred and forty-seven of the Year of *Christ*, and the
 ‘ Fifteenth Day of the Month of *Mohunum* One thousand
 ‘ two hundred and sixty-three of the *Hejira*.

‘ Done at *Zanzibar*, this Second Day of *October* One
 ‘ thousand eight hundred and forty-five of the Year
 ‘ of *Christ*, and Twenty-ninth Day of *Ramzan* One
 ‘ thousand two hundred and sixty-one of the *Hejira*.

‘ (Signed) *Seid Saeed Bin Sultan*,
 ‘ Imaum of *Muscat*.

‘ (Signed) *Atkins Hamerton*, Captain.

‘ On behalf of Her Majesty the Queen of
 ‘ *Great Britain* and *Ireland*, Her Heirs
 ‘ and Successors.

‘ And whereas it is expedient and necessary that effectual Pro-
 ‘ vision should be made for carrying into execution the Provi-
 ‘ sions of the said Agreement:’ Be it therefore enacted by the
 Queen’s most Excellent Majesty, by and with the Advice and
 Consent of the Lords Spiritual and Temporal, and Commons,
 in this present Parliament assembled, and by the Authority of
 the same, That it shall be lawful for the Commander and other
 Officers of Her Majesty’s Ships of War or of the *East India*
 Company to visit and detain in any Seas, except within the
 Limits exempted by the Terms of the Third Article of the said
 Agreement, any Merchant Vessel belonging to the Subjects of
 the Imaum of *Muscat* which shall upon reasonable Grounds be
 suspected of being engaged in the Export of Slaves from the
African Dominions of the Imaum of *Muscat*, or the Importation
 of Slaves from any Part of *Africa* into his Possessions in *Asia*,
 excepting such only as are engaged in the Transport of Slaves
 from one Port to another of his own Dominions in *Africa*, be-
 tween the Port of *Lamoo* to the North, and its Dependencies,
 the Northern Limit of which is the North Point of *Kuyhoo*
 Island, in 1° 57’ South Latitude, and the Port of *Keehwa* to the
 South, and its Dependencies, the Southern Limit of which is
 the *Songa Manara* or *Pagoda Point*, in 9° 2’ South Latitude,
 including the Islands of *Zanzibar*, *Pemba*, and *Monfea*, or any
 Vessel fitted out for that Purpose, and to send or carry away
 such Vessel, together with its Masters, Sailors, Passengers, Slaves,
 and Cargo, for the Purpose of such Vessel being brought to
 Adjudication as herein-after mentioned.

Power to Com-
 manders of
 Ships of War
 and of the East
 India Company
 to visit Vessels
 belonging to
 Subjects of the
 Imaum of
 Muscat, within
 certain Limits,
 suspected of
 being engaged
 in the Slave
 Trade.

II. And be it enacted, That it shall be lawful for the High
 Court of Admiralty of *England*, and for all Courts of Vice Ad-
 miralty in any Dominions of Her Majesty beyond the Seas,
 including those Courts of Vice Admiralty within the Territories
 under

As to the Trial
 of Vessels en-
 gaged in the
 Slave Trade.

under the Government of the *East India Company*, to take cognizance of and try any such Vessel which shall be detained or captured for the Violation of the said Agreement, and to condemn any such Vessel to Her Majesty, and adjudge as to the Slaves found therein, in like Manner and under such and the like Rules and Regulations as are contained in any Act or Acts of Parliament in force in relation to the Suppression of the Slave Trade by *British-owned Ships*, as fully as if all the Powers and Provisions contained in such Acts were re-enacted in this Act as to such High Court of Admiralty or Courts of Vice Admiralty.

Persons giving false Evidence deemed guilty of Perjury.

III. And be it enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had or Affidavit taken in any Proceeding under the said Agreement or under this Act shall be deemed guilty of Perjury, and being thereof convicted shall be subject and liable to all the Punishments, Pains, and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury either in the Place where the Offence was committed or in any Colony or Settlement of Her Majesty near thereto in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England*; and that in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench the Venue may be laid in the County of *Middlesex*.

Pendency of Suits to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained.

IV. And be it enacted, That the Pendency of any Suit or Proceeding instituted for the Condemnation or Restitution of any Ship or Cargo, or Slaves taken, seized, or detained by virtue of the said Agreement, or the final Adjudication, Condemnation, or Judgment or Determination thereupon, may be pleaded in bar, or given in Evidence under the General Issue, and shall be deemed in any Court whatever to be a complete Bar in any Action, Suit, or Proceeding, whether instituted by any Person or Persons for the Recovery of any such Ship, Vessel, or Cargo, or of any Damage or for any Injury sustained thereby or by the Persons on board the same, in consequence of any Capture, Seizure, or Detention, or anything done under or in pursuance of the Provisions of the said Agreement.

Vessels condemned to be sold for Her Majesty's Service, or broken up.

V. And be it enacted, That any Ship or Vessel which shall be condemned as aforesaid may be taken into Her Majesty's Service, upon Payment of such Sum as the Lord High Admiral or the Lords Commissioners of the Admiralty shall deem a proper Price for the same, or if not so taken shall be broken up and demolished, and the Materials thereof shall be publicly sold in separate Parts, and the Proceeds thereof shall be paid to such Person or Persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

Captors of Vessels, after same are condemned, to be paid the Proceeds belonging to Her Majesty.

VI. And be it enacted, That where any Ship or Vessel employed or engaged in such illicit Traffic in Slaves, in violation of the said Agreement, shall be seized by any Ship or Vessel belonging to Her Majesty or the *East India Company*, and afterwards condemned, there shall be paid to the Captors the

net Proceeds to which Her Majesty is entitled, the same to be distributed in the Manner herein-after directed for the Distribution of Bounties on Slaves taken on board the said Vessels.

VII. And be it enacted, That there shall be paid to the Commander, Officers, and Crews of Her Majesty's Ships, or the Commander, Officers, and Crews of the Ships of the *East India* Company, a Bounty of Five Pounds for every Man, Woman, and Child Slave seized and found on board any Ship or Vessel taken and condemned in pursuance of the Provisions of the said Agreement and of this Act; such Bounty to be issued and paid by Order from the Commissioners of Her Majesty's Treasury, and to be distributed to and amongst the Captors aforesaid in such Manner and Proportions as Her Majesty shall think fit to order by any Order in Council made or to be made, or by any Proclamation for that Purpose.

A Bounty of 5*l.* for every Slave found on board of Vessels seized and condemned.

VIII. And be it enacted, That where any Ship or Vessel which shall have been seized and condemned under the Provisions of the said Agreement shall have been or shall be demolished, and the Materials thereof publicly sold in separate Parts, as well as her Cargo, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships or of those of the *East India* Company, in addition to the Amount of the Proceeds of such Sale, as herein-before mentioned, a further Bounty on the Tonnage of such Ship or Vessel at the Rate of Thirty Shillings for every Ton of such Tonnage.

A Bounty to be paid on Tonnage of Slave Ships captured and demolished.

IX. And be it enacted, That where any Ship or Vessel having no Slaves on board shall have been seized and condemned under the Provisions of the said Agreement, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships, or those of the *East India* Company, an additional Bounty upon the Tonnage of such Ship or Vessel at the Rate of Four Pounds for every Ton; and the Tonnage of all such Vessels shall be ascertained according to the Mode of ascertaining the Admeasurement of *British* Vessels, either by the principal Officer of the Customs at the Port where the Vessel may be at the Time of Condemnation, or in default thereof by the best Evidence which can be obtained: Provided always, that in every Case in which any Ship or Vessel shall be seized with Slaves on board, in which the Bounty calculated upon the Number of Slaves shall be less than the Bounty calculated upon the Tonnage, the Commanders of Her Majesty's Ships, or of those of the *East India* Company, making the Seizure, may elect to take the Bounty calculated according to Tonnage, instead of the Bounty which would be payable upon the Number of Slaves on board.

Where no Slaves are on board a Ship seized and condemned, an additional Bounty to be paid on Tonnage.

X. And be it enacted, That all Bounties payable under this Act shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the Commanders, Officers, and Crews of Her Majesty's Ships, and of the Ships of the *East India* Company, and such Bounties shall be issued and paid by Order from the Commissioners of Her Majesty's Treasury.

Bounties to be paid out of the Consolidated Fund.

XI. And

Bounties not
liable to Pay-
ment of Fees.

XI. And be it enacted, That the said Bounty, as also all Bounties payable under any of the Acts for the Abolition or Suppression of the Slave Trade, shall not hereafter be charged with Treasury Fees or Exchequer Fees of any Description.

Captors entitled
to Bounty to
give Proof of
Tonnage.

XII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Tonnage of the Ship or Vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, or by such documentary or other Evidence as they may deem satisfactory.

Copy of Sen-
tence of Con-
demnation to be
produced to the
Treasury.

XIII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money on Slaves the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, military or civil, who may be appointed to receive such Slaves.

In certain Cases
Treasury may
order One
Moiety of the
Bounty to be
paid.

XIV. And be it enacted, That where any Slaves, or Persons treated as Slaves, shall be seized on board any Ship or Vessel taken and condemned in pursuance of the said Agreement and of this Act, but who shall not have been delivered over in consequence of Death, Sickness, or other inevitable Circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, to direct Payment of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over.

Parties claim-
ing Benefit
under this Act
may resort to
the Court of
Admiralty.

XV. Provided also, and be it enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any Vessel confiscated in pursuance of the Provisions of the aforesaid Agreement, may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf; and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act, and also to enforce any Decrees or Sentences of the said Vice Admiralty Courts relating to any such Seizure.

Regulations and
Penalties to
which Prize
Agents are
liable extended
to Bounties, &c.
under this Act.

XVI. And be it enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize, and the Per-centage due thereon to *Greenwich* Hospital, shall be extended to all Bounties and Proceeds to be distributed under the Provisions of this Act to the Officers and Crews of any of Her Majesty's Ships and Vessels of War.

XVII. And

XVII. And be it enacted, That where any Ship or Vessel belonging in whole or in part to Subjects of the Imaum of *Muscat* shall have been detained and brought to Adjudication by any Officers of Her Majesty the Queen of *Great Britain* and *Ireland*, or of those of the *East India* Company, and the said Ship shall be restored by Sentence of the Court, it shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Costs or Damages which may be duly awarded: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made, when lawfully called upon either by the Parties interested therein or by Order of the said Commissioners of Her Majesty's Treasury.

Treasury may order Payment of Costs awarded for Vessels detained, but not condemned.

XVIII. And be it enacted, That when any Seizure shall be made by any of the Commanders, Officers, and Crews of Her Majesty's Ships or of those of the *East India* Company and Judgment shall be given against the Seizor, or when such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant, signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of such Costs and Expenses as the Seizor may have incurred in respect of such Seizure, or any proportional Part thereof.

Treasury may repay to the Seizor of any Vessel not condemned the Expenses incurred by him.

CAP. CXXIX.

An Act for amending an Act passed in the Ninth and Tenth Years of Her present Majesty for making preliminary Inquiries in certain Cases of Applications for Local Acts.

[5th September 1848.]

‘ WHEREAS an Act was passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for making preliminary Inquiries in certain Cases of Applications for Local Acts*: And whereas it is expedient to repeal the said Act, and to enact other Provisions in lieu thereof:’ Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act shall be and the same is hereby repealed, but so that such Repeal shall not affect the Liability of any Promoters or others to the Payment of any Costs, Charges, Expenses, or other Sums made payable by the said Act, and now remaining unpaid, or any Right or Remedy under any Security given for the Payment of such Costs, Charges, Expenses, or other Sums, or the Certificate of any Surveying Officer, or the Authority which any Surveying Officer

9 & 10 Vict. c. 106.

9 & 10 Vict. c. 106. repealed, but not to affect certain Acts done under it.

Officer would have had to certify the Amount of Expenses incurred in any local Examination under the said recited Act in case this Act had not been passed.

Statement of Objects, &c. of proposed Act, accompanied by Plans, &c., to be given to the Commissioners of Woods, &c.

II. And be it enacted, That in any Case where it is intended to make an Application to Parliament for an Act for the Establishment of any Waterworks, or for draining, paving, cleansing, lighting, or otherwise improving any Town, District, or Place, or for making, maintaining, or altering any Burial Ground or Cemetery, or for continuing, altering, or enlarging any of the Powers or Provisions contained in any Act or Acts relating to any of the Purposes aforesaid, a Statement in Duplicate of the intended Objects and Provisions of the proposed Act shall, on or before the last Day of the Month of *November* next before the Session of Parliament in which such Application is intended to be made, or in case such Day shall fall on a *Sunday* then on or before the Day preceding, be sent or delivered to or at the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and such Statement shall be signed by the Promoter or by any Two or more of the Promoters of the proposed Act, or by some Person duly authorized on his or their Behalf; and in such Statement shall also be described and specified:

First. The public Benefit proposed by such Act:

Secondly. The Amount of Funds required for carrying the Act into effect, and the proposed Application of the same:

Thirdly. The Mode in which it is proposed to raise such Funds:

Fourthly. If it is proposed to raise such Funds by Loan, the Mode whereby, and the Period within which, such Loan is to be repaid:

And with such Statement shall be sent or delivered as aforesaid a Copy of such Plans, Sections, and Books of Reference or other Documents, if any, as may be required by the Standing Orders of either House of Parliament for the Time being to be deposited at any Public Office.

Power to Commissioners of Woods, &c. to appoint competent Persons to be Inspectors to make preliminary Examinations, &c.

III. And be it enacted, That it shall be lawful for the said Commissioners, if they shall consider the same necessary or expedient, but not otherwise, and on being satisfied with the Security for Payment of the Expenses, as herein-after provided, to appoint, by Writing under their Hands, One or more competent Person or Persons, as they shall think necessary, to be an Inspector or Inspectors for the Purpose of making such preliminary Examination, Survey, and Inquiries as herein-after mentioned with reference to any such proposed Act; and the said Inspector or Inspectors shall proceed to the Town, District, or Place to which the proposed Act may relate, and shall make such Examination and Survey of the same, and such Inquiries in relation to the Objects and Provisions of the proposed Act, and shall conduct his or their Proceedings in such Manner as may be directed by any Orders or Resolutions of either House of Parliament, and in such Manner as the said Commissioners shall direct, in case there shall be no such Orders or Resolutions,

tions, and so far as such Orders or Resolutions for the Time being shall not extend or be applicable; but so that there be a public Hearing by the said Inspector or Inspectors, at which the Promoters, Opposers, and others may be heard in relation to the proposed Act; and after such Examination, Survey, and Inquiries as aforesaid the said Inspector or Inspectors shall report the Result thereof to the said Commissioners; and every such Report, together with such other Documents as the said Commissioners shall deem necessary, shall be laid before both Houses of Parliament within Six Weeks after the Time at which Security for Payment of Expenses shall have been given to the Satisfaction of the Commissioners as herein provided, if Parliament be then sitting, and if Parliament be not then sitting, then within Fourteen Days after the next Meeting of Parliament: Provided always, that if by reason of any special Circumstances it shall in any Case be found impracticable to lay any such Report before both Houses of Parliament within the Time herein-before specified, the said Commissioners shall with such Report present a Statement of the special Circumstances which may have occasioned the Delay.

Inspectors to report to Commissioners of Woods, &c., who shall lay the same before Parliament, after Security for Payment of Expenses shall be given.

IV. And be it enacted, That the said Commissioners shall give Fourteen Days public Notice of the Time and Place which shall have been fixed for the Purpose of the public Hearing, or first public Hearing, for the Purposes of such Examination as aforesaid, by Advertisement in One or more of the public Papers usually circulated in the Town, District, or Place, and in such other Manner as shall appear to them necessary and sufficient.

Commissioners of Woods, &c. to give Notice of Inquiry.

V. And be it enacted, That at the Time and Place which shall have been so notified as aforesaid the Promoter or Promoters of the proposed Act, or some Person on his or their Behalf, shall appear before the said Inspector or Inspectors, and produce all such Surveys, Plans, Sections, and Estimates, or other Documents connected with the Matter of Inquiry, and give such Evidence in relation to the proposed Act as such Promoter, Promoters, or Person aforesaid shall think fit, and shall give such further Evidence, and produce such other Documents, as the said Inspector or Inspectors shall deem necessary; and all Persons whose Rights or Interests may be affected by any such proposed Act, and who may be desirous of being heard in opposition to the same, may also appear before the said Inspector or Inspectors, and state their Grounds of Opposition thereto, and may support the same by Evidence, and by such Plans, Sections, or other Documents as may be in their Custody or Power; and the said Inspector or Inspectors may by Summons under his or their Hand or Hands summon before him or them any Overseer or other Person having the Custody of any Map or Survey made in pursuance of the Provisions of any Act of Parliament, or of any Book containing any Rate made for the Relief of the Poor in any Parish, or for any Purpose or Place wholly or in part within the District over which such Examination shall extend, to produce such Map, Survey, or Book for his or their Inspection; and the said Inspector or Inspectors may

Promoters of proposed Act and Opponents to appear before Inspectors, and produce Surveys, &c.

Power to Inspectors to summon Persons having Custody of Maps, &c.;

also Persons to give Evidence.

Power to
Inspectors to
administer
Oaths to Per-
sons examined.

Penalty on
Persons wilfully
refusing to at-
tend or give
Evidence.

Expenses of
Inquiry to be
paid by the
Promoters, the
Amount of
which shall be
certified by
Commissioners.

Commissioners
may require
Promoters to
make a Deposit.

summon in manner aforesaid any other Person whose Evidence shall, in the Judgment of the said Inspector or Inspectors, be material to his or their Inquiries, and pay or allow to every such Overseer or other Person so summoned by him or them the reasonable Charges of his Attendance; and the said Inspector or Inspectors shall also have Power to administer an Oath to all Persons who may be examined by him or them touching the Premises, and all Persons so examined shall be required to answer upon Oath all such Questions as may be put to them by the Inspector or Inspectors.

VI. And be it enacted, That any Person being summoned by such Inspector or Inspectors who, after the Delivery to him of such Summons as aforesaid, or of a Copy thereof, shall wilfully neglect or refuse to attend in pursuance of such Summons, or to produce such Plans, Sections, Maps, Books, or other Documents as he may be required to produce under the Provisions herein-before contained, or to answer upon Oath such Questions as may be put to him by such Inspector or Inspectors under the Powers herein contained, shall be liable to forfeit and pay a Penalty not exceeding Five Pounds, which may be recovered before any Two or more Justices having Jurisdiction within such Town, District, or Place; and on Conviction of the Offender, and in default of Payment of any such Penalty, such Justices shall be empowered and required to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Offender by Warrant under their Hands and Seals, and such Penalty shall be paid to the Treasurer of the County within which such Conviction shall take place, in aid of the County Rate; provided that no Person other than the Promoters of the proposed Act, or their Agents, shall be required to attend in obedience to any Summons, unless the reasonable Charges of his Attendance be paid or tendered to him, nor to travel in obedience thereto more than Ten Miles from his usual Place of Abode.

VII. And be it enacted, That all Costs, Charges, and Expenses which shall be incurred by the said Commissioners or by the said Inspector or Inspectors in respect of the said local Examination, Survey, and Inquiries, or otherwise under the Provisions of this Act, in relation to the Application for any such Act as aforesaid, including such Sums as the said Commissioners shall fix for the Remuneration of the said Inspector or Inspectors, shall be paid by the Promoters of the proposed Act to the said Commissioners; and the Amount of such Costs, Charges, and Expenses shall in all Cases be certified by the said Commissioners, after first hearing any Objections that may be made to the Reasonableness of such Costs, Charges, and Expenses by the Person or Persons liable to pay the same, or some Person duly authorized on his or their Behalf; and it shall be lawful for the said Commissioners, previous to the Commencement of such Examination, to require the said Promoters to deposit any Sum of Money, or to give such other Security for the Payment of the said Costs, Charges, and Expenses, as to the said Commissioners shall seem fit; and the Certificate of the said Commissioners, certifying

certifying the Amount of the Costs, Charges, and Expenses so incurred as aforesaid, shall be taken as Proof in all Proceedings at Law and in Equity of the Amount of such respective Costs, Charges, and Expenses: Provided always, that it shall not be lawful to include in such Certificate any Charge for the Attendance of any Persons who may voluntarily present themselves before such Inspector or Inspectors for Examination by him or them under the Provisions herein-before contained: Provided also, that it shall be lawful for the said Inspector or Inspectors, where he or they shall be of opinion that the Inquiries under this Act have been prolonged by frivolous or vexatious Opposition of any Person or Persons, to direct, by a Certificate under the Hand or Hands of such Inspector or Inspectors, that a Sum of Money, in such Certificate to be mentioned, be paid by such Person or Persons to the Promoters of the proposed Act, in respect of the increased Costs, Charges, and Expenses under this Act occasioned by such frivolous or vexatious Opposition; and in such Case the Promoters, or such of them as shall have paid the whole of such Costs, Charges, and Expenses to the said Commissioners, shall be entitled to sue for and recover the Sum mentioned in such last-mentioned Certificate, as Money paid to the Use and at the Request of the Person or Persons by such Certificate directed to pay the same.

Certificate of Commissioners to be taken as Proof in Proceedings at Law.

Inspectors may charge a Portion of the Expenses on Opponents.

VIII. And be it enacted, That it shall be lawful for the said Commissioners (whenever they may think it necessary or proper so to do) to charge any Person or Persons, Joint Stock Company, Municipal Corporation, or other Body appearing as Opponents to any proposed Act, with such Proportion of the Costs, Charges, and Expenses incurred in respect of such local Examination, Survey, or Inquiries, or otherwise, as aforesaid, as the said Commissioners may think fit, and likewise to require such Person or Persons, Joint Stock Company, Corporation, or other Body to deposit any Sum of Money, or to give such other Security for the Payment of the said Costs, Charges, and Expenses, as to the said Commissioners shall seem fit.

Commissioners may charge Opponents to proposed Act with a Proportion of Costs of Inquiries, &c.

IX. And be it enacted, That where it is intended to make Application to Parliament for an Act relating to any Port or Harbour, or to any tidal Water, or to any navigable River, or in any Manner directly or indirectly affecting the Navigation of such Port, Harbour, tidal Water, or navigable River, a Statement in Duplicate, with such Copy of Plans, Sections, Books of Reference, or other Documents as aforesaid, shall be sent or delivered to the Lord High Admiral, or to the Lords Commissioners for executing the Office of Lord High Admiral, in the Manner herein-before directed for sending or delivering such Statement and Documents to the Office of the first-mentioned Commissioners, in the Case of the Intention to make Application to Parliament for the other Acts above specified; and the Lord High Admiral or the said Lords Commissioners may, where he or they shall deem it necessary or expedient, cause the like Examination, Survey, and Inquiries to be made by an Inspector or Inspectors, and shall have the same Powers with respect to such

Notice to be given to the Admiralty where Applications relate to Ports or navigable Rivers.

Examination, Survey, and Inquiries in relation to the proposed Acts to which the Statement to be sent or delivered to him or them shall relate, as herein-before enacted, in regard to the said first-mentioned Commissioners, with respect to the Acts in relation to which a Statement is to be sent or delivered to them; and the Inspector or Inspectors who may be appointed by such Lord High Admiral or Lords Commissioners shall, in relation to the Purposes of their Appointment, have the same Powers and Authorities as the Inspector or Inspectors appointed by such first-mentioned Commissioners, in relation to the Purposes of their Appointment, as if all the Provisions herein-before enacted in regard to the first-mentioned Commissioners and the Inspector or Inspectors by them appointed, with respect to the Cases in which they respectively are authorized to act, had been repeated in regard to such Lord High Admiral or Lords Commissioners as aforesaid, and the Inspector or Inspectors appointed by him or them, with respect to the Cases in which he or they respectively are authorized to act as aforesaid: Provided nevertheless, that such Lord High Admiral or Lords Commissioners shall not be required to lay the Reports of the said Inspectors before the Houses of Parliament unless such Reports be specially called for by either House, but such Lord High Admiral or Lords Commissioners shall report to Parliament, under the Hand of his or their Secretary for the Time being, on every such Act touching the Jurisdiction or Authority of the Lord High Admiral.

Inquiry may be made after Time limited by Permission of either House of Parliament.

X. And be it enacted, That in case either House of Parliament shall order that an Examination, Survey, and Inquiries be made in reference to any such Application to Parliament as herein-before mentioned by an Inspector or Inspectors, the first-mentioned Commissioners, or the said Lord High Admiral or Lords Commissioners, as the Case may be, shall thereupon appoint an Inspector or Inspectors, and such Inspector or Inspectors shall make the like Examination, Survey, Inquiries, and Report, in the same Manner, and shall have the same Powers and Authorities in relation thereto, as if he or they had been appointed as herein-before provided; and the Report of such Inspector or Inspectors, or the Report of the Lord High Admiral or Lords Commissioners, shall be laid before or made to both Houses of Parliament within such Time as by such Order shall be directed; and all the Provisions herein-before contained with reference to Surveys, Examinations, and Inquiries, and Costs, Charges, and Expenses, shall be applicable to the Examination, Survey, and Inquiries directed by every such Order as aforesaid, and the Costs, Charges, and Expenses thereof.

Interpretation of Act.

XI. And be it enacted, That in this Act Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number, and Words importing the Masculine Gender shall include Females; and any Act directed or authorized to be done by the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, Works, and Buildings may be done either by the Chief Commissioner or by any Two of the said Commi-

Commissioners; and the Persons whose Names shall be subscribed to any Statement which may be sent or delivered to or at the Office of the said Commissioners, or to the said Lord High Admiral or Lords Commissioners, shall be deemed to be Promoters of the proposed Act thereby referred to for all the Purposes of this Act, notwithstanding the Persons subscribing such Statement shall have signed for and on behalf of any other Party.

Persons signing
Statements
to be deemed
Promoters.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be
amended, &c.

CAP. CXXX.

An Act for guaranteeing the Interest on such Loans, not exceeding Five hundred thousand Pounds, as may be raised by the *British Colonies* on the Continent of *South America*, in the *West Indies*, and the *Mauritius*, for certain Purposes.

[5th September 1848.]

• **WHEREAS** it is expedient that Her Majesty should be
 • enabled to guarantee the Interest, at a Rate not exceed-
 • ing Four Pounds *per Centum per Annum*, on any Loan or
 • Loans, not exceeding in the whole the Sum of Five hundred
 • thousand Pounds, which the Legislatures or other proper
 • Legislative Authority of Her Majesty's Colonies and Posses-
 • sions on the Continent of *South America*, in the *West Indies*,
 • and the Island of *Mauritius*, may raise and charge on the
 • respective Revenues of such Colonies and Possessions, for the
 • Purpose of promoting the Introduction of Free Labourers, or
 • the Formation of Roads, Railways, Works of Drainage or Ir-
 • rigation, or other public Undertakings of a similar Character:
 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty to guarantee the Payment of the Interest, not exceeding the yearly Rate of Four Pounds in the Hundred, on any Principal Sum or Sums of Money, not exceeding the Sum of Five hundred thousand Pounds in the whole, which, in conformity with the Provisions herein contained, shall be raised for all or any of the Purposes aforesaid, by Loan, Debenture, or otherwise, and the Repayment of which, with Interest not exceeding the Rate aforesaid, within a Term to be approved by the Lord High Treasurer or Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, shall be provided for by a sinking Fund or otherwise, and secured and charged on the Revenues of any of the Colonies and Possessions of Her Majesty in the *West Indies*, on the Continent of *South America*, and the Island of *Mauritius*, in which such Taxes or other Sources of Revenue of sufficient Duration shall be by Law established, as in the Judgment of the said Lord High Treasurer or Commissioners of Her Majesty's Treasury shall be

Her Majesty
may guarantee
Interest, not
exceeding Four
per Cent., on
Loans raised
for the Pur-
poses herein
mentioned, not
exceeding
500,000*l*.

Taxation of Costs in Court of Chancery, Ireland, to be conducted by Taxing Masters, who shall discharge the Duties in Person.

In addition to the present Taxing Master, Two new ones to be appointed.

Salaries of additional Taxing Masters.

Power to appoint additional Clerks in Taxing Masters Office.

Cap. 132. Taxing Masters, Court of Chancery (I.) 11 & 12 Vict.

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the taxing of Costs in the High Court of Chancery in *Ireland* shall be conducted by Officers, to be denominated "The Taxing Masters," each of whom shall hold his Office during his good Behaviour, and shall discharge his Duties in Person, except where otherwise provided by this Act, and may be removed from his Office by the Lord Chancellor of *Ireland* for Misconduct; and the Business to be transacted by each such Taxing Master shall be the taxing of Costs as aforesaid, and also such other Business (if any) connected with the Court of Chancery in *Ireland* as the Lord Chancellor, with the Advice and Consent of the Master of the Rolls in *Ireland* for the Time being, shall from Time to Time by any Order direct; and the Places, Times, and Manner in which the same shall be conducted shall be such as the Lord Chancellor shall from Time to Time by any Order direct.

II. And be it enacted, That, in addition to *John O'Dwyer* Esquire, the Taxing Master appointed under the said recited Act, his present Principal Assistant, *Edward Tandy* Esquire, shall be one of such additional Taxing Masters, and that the Lord Chancellor of *Ireland* shall have Power to appoint some fit and competent Person to be another additional Taxing Master, being a Solicitor who shall for not less than Ten Years have practised as a Solicitor of the said Court; and that as often as any Taxing Master appointed under the said recited Act or this Act, or to be appointed, or any of his or their Successors, shall die or resign, or be removed from his Office, the Lord Chancellor shall have Power to appoint a Taxing Master, qualified as aforesaid, in the Room of the Taxing Master who shall so die, resign, or be removed: Provided always, that no such Appointment as last aforesaid shall be made while there shall be One Taxing Master continuing in Office, unless the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall have given their Consent to the making of such Appointment.

III. And be it enacted, That each such Two additional Taxing Masters under this Act, and any Successor to be appointed in the Room of either of them, or of the said *John O'Dwyer* Esquire, shall be entitled to receive such annual Salary, not exceeding Eight hundred Pounds, as the Commissioners of Her Majesty's Treasury shall direct; and that the Three Taxing Masters shall have, in addition to the Clerk now employed in the said Taxing Office, One or more Clerks, as the Lord Chancellor, with the Consent of the said Commissioners of Her Majesty's Treasury, shall from Time to Time by any Order direct and appoint; and the Lord Chancellor may from Time to Time remove such Clerk or Clerks, and fill up all Vacancies in the Office of such Clerks, whether occasioned by Death, Resignation, or Removal; and the said Clerks shall respectively receive such Salaries as may be directed by the Commissioners of Her Majesty's Treasury.

IV. And

Account of all Sums from Time to Time issued out of the Consolidated Fund of the said United Kingdom by virtue of this Act towards making good any such Deficiency as aforesaid, and also an Account of all Sums repaid by or recovered from the said Colonies or Possessions, or any of them, by reason of such Advance, with the Interest paid or recovered thereon.

CAP. CXXXI.

An Act to amend, and continue until the First Day of *November* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, an Act to make Provision for the Treatment of poor Persons afflicted with Fever in *Ireland*.
[5th September 1848.]

‘ WHEREAS an Act was passed in the Ninth Year of the
 ‘ Reign of Her present Majesty, intituled *An Act to make* 9 & 10 Vict. c. 6.
 ‘ *Provision until the First Day of September One thousand eight*
 ‘ *hundred and forty-seven for the Treatment of poor Persons*
 ‘ *afflicted with Fever in Ireland*: And whereas by another Act
 ‘ passed in the Tenth Year of the Reign of Her said Majesty 10 & 11 Vict.
 ‘ the said first-recited Act was continued, subject to certain c. 22.
 ‘ Amendments, until the First Day of *November* One thousand
 ‘ eight hundred and forty-seven, and from thence until the End
 ‘ of the then next Session of Parliament: And whereas it is
 ‘ expedient to amend and further continue the said first-recited
 ‘ Act as amended by the said secondly-recited Act, subject to
 ‘ further Amendments herein-after provided:’ Be it therefore
 enacted by the Queen’s most Excellent Majesty, by and with the
 Advice and Consent of the Lords Spiritual and Temporal, and
 Commons, in this present Parliament assembled, and by the
 Authority of the same, That the said recited Act of the Ninth 9 & 10 Vict. c. 6.
 Year of the Reign of Her present Majesty shall, as amended continued till
 by the said secondly-recited Act, and subject nevertheless to the 1st November
 Amendments herein-after contained, be continued until the First 1849, and to
 Day of *November* One thousand eight hundred and forty-nine, and End of next
 from thence until the End of the then next Session of Parliament, Session of
 save and except so much of the said recited Acts or either of Parliament.
 them as relates to the Appointment by the Lord Lieutenant or
 other Chief Governor or Governors of *Ireland* of a Medical
 Officer or Officers for each and every Union for the Relief of the
 destitute Poor, and to the Salaries of such Medical Officers, and
 save and except so much of the said secondly-recited Act as
 relates to the Powers of the Relief Commissioners and Finance
 Committees therein mentioned, or the Management by Relief
 Committees of any Hospital or Dispensary established under
 either of the said Acts.

II. And be it enacted, That the Provisions of the said recited Acts and of this Act shall extend and be taken and construed to extend to all contagious or epidemic Diseases.

Recited Acts
 and this Act
 extended to all
 contagious
 Diseases.

The Board of Health to certify the existing Hospitals required to be upheld, the Management of which shall thereupon be in the Board of Guardians.

Medical Officers may be appointed for any Districts on a Certificate of the Board of Health.

Board of Guardians may appoint Committees of Ma-

III. And be it enacted, That immediately after the passing of this Act the said Commissioners of Health or any Two of them shall certify to the Lord Lieutenant, under their Hands, the Hospitals or Dispensaries heretofore established under the said recited Acts or either of them which they shall deem necessary to be upheld and maintained, subject to the Approval of the Lord Lieutenant, by Writing under his Hand; and when such Approval shall have been so signified the Care and Management of every such Hospital and Dispensary shall devolve upon the Board of Guardians of the Union in which the same shall be situate; and such Board of Guardians shall have the like Powers and Authorities for such Purpose, and for all Purposes relating to any such Hospital or Dispensary, as any Relief Committee could or would have had under the said secondly-recited Act; and the Provisions and Powers of the said Act shall extend and apply to the Board of Guardians, and to the Punishment of any Person resisting or opposing the Execution of their Orders, and to any Action brought against them or any of them, or any Person employed by them, in like Manner and as fully and effectually as to any Relief Committee having the Management of any such Hospital or Dispensary.

IV. And be it enacted, That if after the passing of this Act the Commissioners of Health or any Two of them shall certify to the Lord Lieutenant their Opinion that the Appointment of a Medical Officer or Medical Officers for any Electoral Division or Divisions or other District of any Union is expedient and necessary, on account of the Existence therein of any Fever or other contagious or epidemic Disease, and if the Lord Lieutenant shall, under his Hand, approve of the making of such Appointment, it shall be lawful for the said Commissioners of Health or any Two of them to require the Guardians of the Poor of such Union to appoint such Medical Officer or Officers, and to fix his or their Salary or Salaries, subject to Approval by the said Commissioners of the Persons so appointed and of the Salaries so fixed; and upon the Neglect or Default of the said Guardians to make any such Appointment or to fix any such Salary so to be approved as aforesaid, it shall be lawful for the Lord Lieutenant to appoint any such Medical Officer at such reasonable Salary as he shall think fit; and the said Guardians shall and are hereby required, out of the Poor Rates, to pay to every such Medical Officer as aforesaid the Amount of his Salary from Time to Time, as well as to pay all other Expenses incurred in carrying out the Provisions of the said Acts and this Act in such Union, and to charge the same to the Union at large; and the Appointment of every such Medical Officer shall cease so soon as the said Commissioners of Health shall certify to the Lord Lieutenant, or the Lord Lieutenant shall deem, that the Continuance of such Appointment is unnecessary or otherwise inexpedient.

V. And be it enacted, That in any Case in which the Guardians of any Union shall have been or shall hereafter be required by the said Commissioners of Health to uphold and maintain or

to establish any Hospital or Dispensary under the Provisions of the said recited Acts or either of them, or this Act, it shall be lawful for the said Guardians, if they shall see fit, to appoint a Committee to superintend, under the Direction and Control of the said Board of Guardians, the Management of such Hospital or Dispensary, such Committee not to exceed Seven in Number, and to be chosen by the Board of Guardians from among the *ex-officio* or other Members of such Board and the resident Rate-payers of the Union; and such Committee shall from Time to Time report their Proceedings to the Board of Guardians, for their Confirmation and Approval, from Time to Time, as the Board of Guardians shall direct; and the Board of Guardians shall at all Times have Power to dissolve such Committees, or alter the Constitution thereof, as to them shall seem fitting and expedient; and any such Committee shall (subject to the Control of such Board) have like Powers and Authorities relating to such Hospital or Dispensary as any Relief Committee as aforesaid; and the Provisions of the said secondly-recited Act shall (subject to such Control as aforesaid) extend and apply to any such Committee appointed under this Act, as fully and effectually as to any such Relief Committee.

Management of
such Hospitals,
or of Hospitals
hereafter
established.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Health to require any Board of Guardians having the Management of any Hospital or Dispensary to be appointed under the said recited Acts or either of them, or this Act, to submit to them, when and as often as they may judge the same to be necessary, Estimates of the probable Expenditure for any such Hospital or Dispensary, and to regulate and control such Expenditure; and the Accounts of such Expenditure shall be audited as in other Cases under the Acts for the Relief of the destitute Poor in *Ireland*.

Commissioners
of Health may
require Guar-
dians to submit
Estimates and
Accounts.

VII. And be it enacted, That it shall be lawful for the said Commissioners of Health to make Orders for the Regulation and Management of Hospitals or Dispensaries under the said recited Acts or this Act.

Commissioners
of Health may
make Orders for
Regulation of
Hospitals, &c.

VIII. And be it enacted, That whenever in any Union in *Ireland* the Approach or Occurrence of any Fever or contagious or epidemic Disease shall be reasonably apprehended or expected, it shall be lawful for the Commissioners for administering the Laws for the Relief of the destitute Poor in *Ireland*, upon the Receipt of a Certificate of the Commissioners of Health of the Expediency or Necessity thereof, to require the Board of Guardians of such Union to appoint a Committee or Committees for the whole or any Part of such Union, for the Purpose of taking Precautions against such expected or apprehended Disease; and the said Board of Guardians shall thereupon forthwith proceed to appoint such Committee or Committees who shall be under their Control; and, subject thereto, the several Enactments in the said recited Acts or either of them contained with respect to the Powers of any Relief Committee, or the Committee having the Management of any Hospital or Dispensary, and to the Punishment of any Person resisting or opposing the Execution

When conta-
gious or epi-
demic Disease
expected, Poor
Law Commis-
sioners may
require Guar-
dians to appoint
a Committee to
take Precau-
tions, which
shall have same
Powers as a
Relief Com-
mittee.

of the Orders of any such Committee, and to any Action brought against such Committee or any Member thereof, or Person employed by the same, shall extend and be applied to every Committee appointed as lastly herein-before provided on the Requisition of the Commissioners for administering the Laws for Relief of the Poor in *Ireland*.

Poor Law
Commissioners
may dissolve
such Com-
mittee.

IX. And be it enacted, That it shall be lawful for the said Commissioners for administering the Laws for Relief of the destitute Poor at any Time to order that any such Committee appointed as lastly herein-before provided shall be dissolved, and thenceforth all the Powers of such Committee shall cease.

Guardians,
Officers, and
Members of
Committees,
&c. not to be
concerned in
Contracts while
in Office.

X. And be it enacted, That no Guardian, paid Officer, Member of any Committee under the said recited Acts or either of them or this Act, or other Person in whose Hands the providing for, ordering, Management, Control, or Direction of any Hospital or Dispensary or of Medical Relief under the Provisions of this Act shall or may be placed, shall, either in his own Name or the Name of any other Person, provide, furnish, or supply, for his own Profit, any Materials, Goods, or Provisions for the Use of any such Hospital or Dispensary, or for affording such Medical Relief during the Time for which he or they shall retain such Appointment, nor shall be concerned, for his own Profit, directly or indirectly, in furnishing or supplying the same, or in any Contract relating thereto, under pain of forfeiting the Sum of Fifty Pounds, with full Costs of Suit, to any Person who shall sue for the same by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Dublin*.

58 G. 3. c. 47.
and the Powers
therein given,
as to the Ad-
vance of Money,
extended to
Cases of epi-
demic Disease
in Ireland.

XI. ' And whereas by an Act passed in the Fifty-eighth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act to establish Fever Hospitals and to make other Regulations for the Relief of the suffering Poor, and for preventing the Increase of infectious Fevers in Ireland*, Provision is amongst other things made, that whenever in any City, Town, or District any Fever or contagious Distemper shall appear or be known to exist among the poor Inhabitants, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, upon Application to be made in manner therein provided, to appoint a Board of Health to act within such City, Town, or District in the Manner therein provided, and Authority is by the said Act given to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to order any Sum or Sums of Money to be from Time to Time advanced out of the growing Produce of the Consolidated Fund in *Ireland* for the Payment of the actual Expenses incurred by or under the said Board in the Execution of the Powers by the said Act vested in it, and that such Sums so to be advanced should be repaid and raised as in the said Act provided, and it is expedient to extend such Provisions to all epidemic Diseases: Be it therefore enacted, That all Enactments of the said Act relating to the Prevention or Mitigation of Fever or contagious Disease, and all Powers and Provisions therein contained as aforesaid relating to the

Advance

Advance of Money out of the growing Produce of the Consolidated Fund, and relating to the Presentment, raising, and Repayment of such Monies, shall be deemed and taken to extend and apply to and shall comprehend any and every epidemic as well as contagious Disease, as fully to all Intents and Purposes as if epidemic Diseases had been specially mentioned in such Enactments and Provisions: Provided always, that any Member or Members of any such Board of Health so appointed as last aforesaid shall, in addition to the Powers given to them by the said last-mentioned Act, have and enjoy all the Powers and Authorities given to any Officer or Officers of Health under an Act of the Fifty-ninth Year of the Reign of His late Majesty King George the Third, intituled *An Act to establish Regulations for preventing contagious Diseases in Ireland* 59 G. 3. c. 41.

XII. And be it enacted, That this Act shall continue and be in force until the First Day of *November* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, and no longer. Term of Act.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended, &c.

CAP. CXXXII.

An Act for the Appointment of additional Taxing Masters for the High Court of Chancery in *Ireland*, and to regulate the Appointment of the Principal Assistants to the Masters in the Superior Courts of Law in *Ireland*. [5th September 1848.]

‘ WHEREAS by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for the Appointment of a Taxing Master of the High Court of Chancery in Ireland*, it was amongst other things enacted, that from and after the First Day of *November* One thousand eight hundred and forty-five the taxing of Costs in the High Court of Chancery in *Ireland* should be conducted by an Officer to be denominated “The Taxing Master,” who should discharge his Duties in Person, except where otherwise provided by said Act: And whereas *John O’Dwyer* Esquire, Barrister at Law, was appointed Taxing Master under the said Act, and *Edward Tandy*, Solicitor, was appointed his Principal Assistant or Clerk: And whereas it has been found that One Taxing Master is insufficient for the due Performance of the Business of the said Office, and that in consequence thereof a large Arrear of Business has accumulated therein: And whereas it is expedient that Two additional Taxing Masters should be appointed, and the Office of Principal Assistant be abolished:’
Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, 8 & 9 Vict.
c. 115.

Taxation of Costs in Court of Chancery, Ireland, to be conducted by Taxing Masters, who shall discharge the Duties in Person.

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the taxing of Costs in the High Court of Chancery in *Ireland* shall be conducted by Officers, to be denominated "The Taxing Masters," each of whom shall hold his Office during his good Behaviour, and shall discharge his Duties in Person, except where otherwise provided by this Act, and may be removed from his Office by the Lord Chancellor of *Ireland* for Misconduct; and the Business to be transacted by each such Taxing Master shall be the taxing of Costs as aforesaid, and also such other Business (if any) connected with the Court of Chancery in *Ireland* as the Lord Chancellor, with the Advice and Consent of the Master of the Rolls in *Ireland* for the Time being, shall from Time to Time by any Order direct; and the Places, Times, and Manner in which the same shall be conducted shall be such as the Lord Chancellor shall from Time to Time by any Order direct.

In addition to the present Taxing Master, Two new ones to be appointed.

II. And be it enacted, That, in addition to *John O'Dwyer* Esquire, the Taxing Master appointed under the said recited Act, his present Principal Assistant, *Edward Tandy* Esquire, shall be one of such additional Taxing Masters, and that the Lord Chancellor of *Ireland* shall have Power to appoint some fit and competent Person to be another additional Taxing Master, being a Solicitor who shall for not less than Ten Years have practised as a Solicitor of the said Court; and that as often as any Taxing Master appointed under the said recited Act or this Act, or to be appointed, or any of his or their Successors, shall die or resign, or be removed from his Office, the Lord Chancellor shall have Power to appoint a Taxing Master, qualified as aforesaid, in the Room of the Taxing Master who shall so die, resign, or be removed: Provided always, that no such Appointment as last aforesaid shall be made while there shall be One Taxing Master continuing in Office, unless the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall have given their Consent to the making of such Appointment.

Salaries of additional Taxing Masters.

III. And be it enacted, That each such Two additional Taxing Masters under this Act, and any Successor to be appointed in the Room of either of them, or of the said *John O'Dwyer* Esquire, shall be entitled to receive such annual Salary, not exceeding Eight hundred Pounds, as the Commissioners of Her Majesty's Treasury shall direct; and that the Three Taxing Masters shall have, in addition to the Clerk now employed in the said Taxing Office, One or more Clerks, as the Lord Chancellor, with the Consent of the said Commissioners of Her Majesty's Treasury, shall from Time to Time by any Order direct and appoint; and the Lord Chancellor may from Time to Time remove such Clerk or Clerks, and fill up all Vacancies in the Office of such Clerks, whether occasioned by Death, Resignation, or Removal; and the said Clerks shall respectively receive such Salaries as may be directed by the Commissioners of Her Majesty's Treasury.

Power to appoint additional Clerks in Taxing Masters Office.

IV. And be it enacted, That all Salaries under the said recited Act or this Act shall grow due from Day to Day, but shall be payable on the Fifth Day of *January*, Fifth Day of *April*, Fifth Day of *July*, and the Tenth Day of *October* in every Year, or on such other Days as the Lord Chancellor shall from Time to Time by any Order direct, and shall be paid to the Parties entitled thereto, or their respective Executors or Administrators, by the Commissioners of Her Majesty's Treasury, out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*; and the Expense necessarily incurred for hiring suitable Offices for the Business of such Taxing Masters, and also for the necessary Books, Stationery, and binding of Books of Costs, and other incidental Expenses of the said Offices, including such Expenses of the Nature aforesaid as have heretofore been incurred in the Office of the Taxing Master, but were not provided for by the said recited Act, shall likewise be paid out of the said Consolidated Fund.

Salaries, &c. to grow due from Day to Day, but to be payable quarterly out of the Consolidated Fund.

Expenses, &c. of Offices to be paid out of Consolidated Fund.

V. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to order and direct to be paid out of the said Consolidated Fund to any Person executing the Office of a Taxing Master under the said recited Act or this Act, who shall be afflicted with some permanent Infirmary disabling him from the due Execution of his Office, a Superannuation or annual Allowance not exceeding the Proportions with reference to the Amount of his Salary and Period of his Service specified in and subject to the Provisions of the Act of the Fourth and Fifth Years of the Reign of His late Majesty King *William the Fourth*, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service*.

Power to Treasury to order retiring Allowances to be paid to Taxing Masters, under Provisions of 4 & 5 W. 4. c. 24.

VI. And be it enacted, That any such additional Taxing Master appointed or to be appointed under this Act, and any succeeding Taxing Master, shall have and perform the like Duties and have and exercise the like Powers and Authorities as any Taxing Master appointed under the said recited Act; and, subject to the Enactments herein-before contained, and so far as may be consistent with the same, the several Provisions of the said recited Act shall extend and be applied to any Taxing Master and to any Clerk or Clerks respectively appointed or to be appointed under this Act, as fully and effectually as if such Taxing Master or Clerk or Clerks were appointed by or under the said recited Act.

Powers and Provisions of 8 & 9 Vict. c. 115. to apply to Taxing Masters and Clerks appointed under this Act.

VII. And be it enacted, That each of the said Taxing Masters shall make out and present to the Lord Chancellor an annual Return, made up to the Thirty-first Day of *December* preceding, containing a Statement of the Number of untaxed Bills of Costs lodged with him for Taxation during the Year next preceding, and of the aggregate Amount of the Sums included in such Bills of Costs, also a Statement of the Number of Bills of Costs taxed by him during such preceding Year, and of the aggregate Amount of the Sums included in such Bills of Costs,

Taxing Masters to present to Lord Chancellor annually a Return of Bills taxed, and of untaxed Bills lodged with them for Taxation, &c.

Costs, and also a Statement of the Number of Bills of Costs so lodged with him and remaining untaxed at the End of such Year, and of the aggregate Amount of the Sums included in such last-mentioned Bills of Costs, together with such further Information as to the Business of the said Office as the Lord Chancellor may from Time to Time require.

On Vacancy of Office of Principal Assistant, Taxing Masters to select a Clerk from their Office to fill up the Vacancy, who, when approved by the Treasury, shall perform the Duties as prescribed by 7 & 8 Vict. c. 107.

VIII. 'And whereas by an Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to regulate and reduce the Expenses of the Offices attached to the Superior Courts of Law at Dublin payable out of the Consolidated Fund*, it is amongst other things enacted, that when and so often as any Vacancy shall occur, by Death, Resignation, or otherwise, of any of the Assistants or Clerks thereby created, such Vacancy shall be filled by the Assistant or Clerk next in Seniority in the Department; and it is expedient to make more particular Provision in that Behalf, in order to ensure the Selection of the most competent Persons in the Department to fill the Office of Principal Assistant to the Master: Be it therefore enacted, That when and so often as a Vacancy shall occur as aforesaid in the Office of Principal Assistant to the Masters of the said Courts, it shall be lawful for the Master of each such Courts to select and appoint from amongst the Assistants and Clerks then employed in the Office under his Superintendence such Person as he may deem best fitted to be the Principal Assistant to the Master, and so soon as the Commissioners of Her Majesty's Treasury for the Time being shall have signified in Writing their Approval of the Selection and Appointment made by the Master, and not before, the Person so selected and appointed shall be the Principal Assistant to the Master, as created and described in the said recited Act and the Schedules thereunto annexed.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. CXXXIII.

An Act to amend the Laws relating to Savings Banks in Ireland. [5th September 1848.]

'WHEREAS it is expedient to amend the Laws relating to Savings Banks in Ireland, and to make other and additional Provisions respecting such Savings Banks: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to Savings Banks, and to the Purchase of Government Annuities through the Medium of Savings Banks*, as relates to limiting the Responsibility of Trustees and Managers of Savings Banks in Ireland, shall be and the same are hereby, from and after the Twentieth Day of

So much of 7 & 8 Vict. c. 83. as relates to limiting Responsibility of Trustees of Savings Banks in Ireland repealed.

of *November* One thousand eight hundred and forty-eight, repealed, except as to any Liability incurred or to be incurred before such Twentieth Day of *November*.

II. And be it enacted, That from and after the Twentieth Day of *November* One thousand eight hundred and forty-eight any Trustee or Manager of a Savings Bank in *Ireland* who has declared or shall declare, in Writing under his Hand deposited with the Commissioners for the Reduction of the National Debt, that he is willing to be answerable for a specific Amount only, such Amount being in no Case less than One hundred Pounds, shall not be liable to make good any Deficiency which may thereafter arise in the Funds of such Savings Bank beyond the Amount specified in such Writing: Provided always, that the Trustee and Manager of every Savings Bank in *Ireland* shall be personally liable for all Monies actually received by him on account of or to and for the Use of such Institution, and not paid over and disposed of in the Manner directed by the Rules of the Institution; and an Extract of this Provision shall be enrolled as one of the Rules of every such Savings Bank, and printed and affixed in every Office or Place where Deposits are received, with the Names and Places of Residence of the Trustees and Managers for the Time being, and the Amount, if any, to which they have collectively or individually limited their Responsibility.

Power to Trustees and Managers to limit their Responsibility.

III. And be it enacted, That the Trustees of each Savings Bank in *Ireland* shall, as soon as conveniently may be after the passing of this Act, and from Time to Time in case of a Vacancy, appoint an Auditor or Auditors to audit the Accounts of the said Institution, as well as to examine and inspect the Books of the several Depositors; and the said Trustees shall, immediately after such Appointment, transmit the Signature, Name, and Address of the said Auditor or Auditors to the Commissioners for the Reduction of the National Debt; and the Trustees of every Savings Bank shall cause the annual and other Statements required to be transmitted under the Acts relating to Savings Banks to be certified and verified by the Auditor or Auditors appointed by the said Trustees, in addition to the Attestation by Trustees and Managers now required by the said Acts; and shall also cause a Certificate from the said Auditor or Auditors as to the Result of his or their Examination of such of the Depositors Books as may have been produced to him or them for Examination to be transmitted with the said annual Statement to the said Commissioners: Provided always, that it shall be lawful for the Trustees of any such Savings Bank to agree with the Trustees of any other Savings Bank or Banks as to the Appointment of a common Auditor or Auditors; and the Auditor or Auditors so appointed for all the said Banks shall be deemed and taken, as soon as the Signature, Name, and Address shall have been transmitted by each such Bank to the said Commissioners, to be the Auditor or Auditors of each such Bank.

Appointment of Auditors.

IV. And be it enacted, That every Depositor in every Savings Bank in *Ireland* on his first Deposit shall be furnished with a Deposit

Depositor's Book to contain Copy of Rules.

Duplicate Copy
of certified
Rules, &c. to
be exhibited in
Office.

Rules to pro-
vide for Pro-
duction and
Inspection of
Books.

No Fee to
Barrister in
certain Cases.

Commissioners
may close Ac-
count with
Savings Banks
in certain
Cases.

and re-open
them if they
think fit.

Deposit Book, in which shall be printed at Length a Copy of the certified Rules of the Savings Bank in which he shall make such Deposit, and that a Duplicate Copy of the certified Rules, and of every Alteration and Amendment thereof, and a Duplicate Copy of every annual Statement or Account required by and furnished to the said Commissioners, signed by Two Trustees or Managers of any such Savings Bank, shall be from Time to Time exhibited in the Office of such Savings Bank, and shall be open to the Inspection of every Depositor or Person intending to be such.

V. And be it enacted, That the Rules of every Savings Bank in *Ireland* shall specify a Number of Days, not less than Two in every Year ending on the Twentieth of *November*, on which the Book of each Depositor shall be produced at the Office of the said Savings Bank for the Purpose of being inspected, examined, and verified with the Books of the Institution by the Auditor or Auditors; and in case the said Book shall not be produced on or before the last of the Days mentioned in any One Year ending as aforesaid, the said Account shall be closed, and all Interest shall cease to accrue on the Sums deposited from the last Day of the Year in which the said Book should have been so produced, in the Case of every Depositor who shall have received Notice to produce his said Book, and of every Depositor in a Savings Bank the Rules of which provide for the Production of Deposit Book once in each Year: Provided nevertheless, that the Trustees or Managers shall have the Power to re-open the said Account, but only to allow Interest thereon from the Time when the same shall have been re-opened, unless the Trustees shall be satisfied that such Depositor has been prevented by some sufficient Cause from producing the Deposit Book at the Time so specified; and an Extract of this Provision shall be enrolled as one of the Rules of every Savings Bank.

VI. And be it enacted, That no Fee shall be payable to the Barrister for certifying the Rules of Savings Banks in any Case where his Certificate is required only in consequence of the Insertion of this Provision in the Rules of any Savings Bank.

VII. And be it enacted, That if it shall appear to the Satisfaction of the said Commissioners that the Clauses of the said recited Act and this Act, or the Orders, Directions, and Regulations of the said Commissioners, signified by the Comptroller General to the Trustees of any Savings Bank in *Ireland*, have not been complied with by the Trustees or Managers of any Savings Bank in *Ireland*, it shall and may be lawful for the said Commissioners, if they shall so think fit, to close the Account of the said Savings Bank, and to discontinue the keeping any further Account with the Trustees thereof, and to direct that no further Sum shall be received at the Bank of *Ireland* from the Trustees of such Savings Bank to the Account of the Commissioners until such Time as such Commissioners shall think proper: Provided always, that the said Commissioners may re-open and allow the growing Interest of such Accounts during the

the Time of such Discontinuance, and authorize the Receipt of Money at the Bank of *Ireland*, whenever the said Commissioners shall think fit so to do, upon such Trustees complying with the Directions of such Commissioners; and the said Commissioners shall forthwith publish a Notification of such Account being closed, or of the same being re-opened, in the *Dublin Gazette*, and also in some Newspaper published in the County in which the said Savings Bank shall be established.

VIII. And be it enacted, That this Act shall continue and be in force until the First Day of *January* One thousand eight hundred and fifty, and until the End of the then next Session of Parliament. Term of Act.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

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11 & 12 VICTORIA.

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TAXING MASTERS. See CHANCERY.		
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TRUSTEES RELIEF; for extending to Ireland 10 & 11 Vict. c. 96. for better securing Trust Funds, and for the Relief of Trustees - - - - -	68.	I.
TURNPIKE ROADS, to continue, until 1st October 1849, 4 & 5 Vict. c. 59. for authorizing the Application of Highway Rates to - - - - -	66.	E.
—— to continue until 31st July 1849 certain Acts for regulating - - - - -	73.	I.
—— to continue certain Turnpike Acts for limited Periods - - - - -	96.	G.B.

U.

UNIONS; to make Provision for the Audit of Parochial and Union Accounts, and the Allowance of certain Charges therein - - - - -	91.	E.
—— to alter the Provisions relating to the Charges for the Relief of the Poor in - - - - -	110.	E.
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V.

VEXATIOUS ACTIONS, to protect Justices of the Peace from, for Acts done by them in execution of their Office - - - - -	44.	E.
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W.

WAKEFIELD, } to confirm the Incorporation of the Boroughs	Cap. 93.	Relating to E.
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— to enlarge the Powers of 9 & 10 Vict. c. 38. empowering them to form a Royal Park in Battersea Fields; to facilitate the raising of Monies authorized to be raised by them for Metropolitan Improvements; and to regulate and simplify the Mode of keeping their Accounts - - - - -	102.	G.B.&I.
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Y.

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